

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1509 OF 2018

Nikhil @ Sangram Rajendra Naik .. Applicant
Versus
State of Maharashtra .. Respondent

Mr. Nitesh Mohite I/b. Ms. Rashmi Purandare for applicant
Mr. S.H.Yadav, APP for State
Mr. Amol Kale, API present – Hadapsar Police Station.

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] This is an application under section 438 of Cr.P.C. The applicant herein is apprehending arrest in C.R.No.776 of 2018 registered with Hadapsar police station for the offences punishable under section 395, 427 of IPC, so also 37A of Maharashtra Police Act and Section 4(25) of Arms Act. It is the case of the prosecution that on 2nd July 2018, the applicant herein along with the co-accused had been to Varad Vinayak colony. They were armed with deadly weapons. They had damaged the vehicle and also robbed the complainant. The report was lodged by Amol Suryavanshi to that

effect, on the basis of which Crime No.776 of 2018 is registered against the applicant.

2] The applicant has been specifically named in the F.I.R. and an overt act is also attributed to him. Learned APP has placed on record the police record which shows that the present applicant is a habitual offender. In view of this the applicant does not deserve pre-arrest protection. The application being sans merits, is therefore, rejected. It is made clear that this order shall not have any bearing on the application filed under sections 437 or 439 of Cr.P.C.

Yogeshwar
Bhalchandra
Gokhale

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Yogeshwar
Bhalchandra Gokhale
Date: 2018.08.02
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(SMT. SADHANA JADHAV, J.)