

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL BAIL APPLICATION (ABA) 157 OF 2020

(Rahim Khan Daud Khan and anr..vs..State, thr PSO, PS Jalgaon Jamod)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. C.A. Joshi, counsel for applicants.
Mr. S.S. Doifode, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:21.12.2020.

Heard.

2. The applicants are apprehending arrest in Crime 48/2020, registered with Police Station, Jalgaon Jamod, Dist. Buldana, for offence punishable under sections 326, 323, 324, 504, 506 read with section 34 of Indian Penal Code.

3. The first submission of Mr. C.A.Joshi, the learned counsel for the applicants is that co-accused are protected vide order dated 14.12.2020 in Criminal Application (ABA) 144/2020. The submission is noted only for rejection. The co-accused, who are protected were only present and did not participate in the assault. The principle of parity cannot be invoked.

4. In so far as the present applicants are concerned, there is more than ample material in the case diary to connect them with the Crime. The applicants have actively

participated in the assault in which as many as five persons are injured. The weapons have not been recovered. All the accused are absconding. It would not be possible to effectively investigate the crime, if the applicants are granted pre-arrest protection. Applicant Rahim also has criminal antecedents and is facing prosecution for offence under the Narcotic Drugs and Psychotropic Substance Act.

5. No case is made out for pre-arrest protection. The Application is dismissed.

Judge

Belkhede RS