

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

CRIMINAL APPLICATION (ABA) NO. 171 OF 2020

(Amol Gajanan Daberao ..vs.. State of Maharashtra, through PSO, PS Balapur)

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

Court's or Judge's orders

Mr. S.P. Bhandarkar, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 03-12-2020

Heard.

2. Several allegations, some extremely serious in nature, are levelled by the informant, who is the estranged wife of the applicant, against the applicant and four family members vide report dated 26-1-2020. While the other family members are protected by the learned Sessions Judge, the applicant is denied pre-arrest protection. The applicant, apprehends arrest in Crime 39/2010 registered with Balapur Police Station for offences punishable under Sections 323, 354, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code.

3. I have perused the first information report and the material on record. The family members of the applicant against whom more serious allegations are levelled are granted pre-arrest protection.

4. In so far as the present applicant is concerned, general allegations that he was pressuring the informant to bring certain amount from her maternal home are levelled. Be that as it may, the allegations are made in January 2020 and the alleged ill-treatment is meted out prior to May 2019. Even according to the informant, she left the company of the applicant and went to her maternal home in May 2019.

5. Apart from the fact that custodial interrogation does not appear to be necessary, the submission of the learned Counsel Mr. S.P. Bhandarkar who appears on behalf of the applicant, that the allegations are in retaliation to the police report lodged in November 2019 accusing the informant of having aborted the fetus, cannot be brushed under the carpet.

6. Even according to the informant, she aborted the fetus on 16-7-2019. While the informant states that it was on medical advice, the applicant has different version.

7. It appears that the allegations levelled are a fall out of some matrimonial discord. I am, therefore, satisfied that the applicant has made out a case for pre-arrest protection. It is not the case of the prosecution that the applicant has not attended the police station as was the condition imposed while granting interim pre-

arrest protection. The applicant is working as Senior Technical Officer with the DRDO and there is no reason to assume that he would not cooperate with the Investigating Officer.

8. The application is allowed.

9. The interim protection granted vide order dated 11-3-2020 is made absolute.

10. The applicant shall attend the concerned police station, till the charge-sheet is filed, as and when required by the Investigating Officer, by a written intimation with seventy-two hours notice.

11. The applicant shall not make any attempt to influence the witnesses.

12. The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

adgokar