

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

CRIMINAL APPLICATION (ABA) NO. 215 OF 2020

(Shaikh Irfan s/o Shaikh Usman and others Vs. State of Maharashtra thr. PSO PS
Khada, Akola, Tah. & Dist. Akola)

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

Court's or Judge's orders.

Mr. P.S. Nemade, Advocate for Applicants.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 17th DECEMBER, 2020.

The applicants are apprehending arrest in Crime 64/2020 registered with Police Station Khadan, Akola for offences punishable under sections 307, 324, 325, 326, 1453, 147, 148, 149, 504 and 506 of the Indian Penal Code and section 4, 25 of the Arms Act.

2. Vide order dated 08.04.2020 the applicants were extended interim pre-arrest protection subject to certain conditions.

3. It is not even the case of the prosecution that the applicants have not attended the police station.

4. Concerning the same incident, cross reports are lodged.

5. In so far as the present application is concerned,

accused 3 to 6 belong to the same family. It appears that the altercation took place due to a personal animosity arising out of a matrimonial relationship gone wrong.

6. I have perused the case diary. The possibility that there is over implication cannot be ruled out. Specific roles are assigned to certain co-accused who are arrested and the weapons are recovered. In so far as the applicants are concerned, every witness has given a parrot like statement that they also were armed with iron rod and assaulted all the three injured on various parts of the body. However, the injury reports do not substantiate the version of the witnesses.

7. The interim protection granted vide order dated 08.04.2020 is made absolute, subject to the only modification that till the charge-sheet is filed, the applicants shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE