

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

CRIMINAL APPLICATION (ABA) NO. 233/2020

Prakash N. Kharat
..VS..
State of Maharashtra

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

Court's or Judge's orders

Shri N.M. Gaidhane, Advocate for the applicant
Shri V.A. Thakare, APP for the non-applicant

CORAM : Z.A.HAQ, J.
DATED : 27/08/2020

1] Leave to correct the cause title of the criminal application is granted.

Learned advocate for the applicant undertakes to carry out the correction today till 1:30 pm.

2] Heard learned advocate for the applicant and learned APP for the non-applicant.

3] Apprehending arrest in connection with Crime No. 121/2019 registered with the non-applicant – Police Station, the applicant had move an application under Section 438 of the Code of Criminal Procedure before the Sessions Court which is rejected by the order dated 11/07/2019. Hence, the applicant has approached this Court under Section 438 of the Code of Criminal Procedure for appropriate protection.

4] The facts on record show that a quarrel occurred while transporting an almirah. The allegations against the applicant are that in the assault on the victim, the applicant used stick. According to the Investigating Agency, some co-accused who was alongwith the applicant used axe.

5] The applicant claims to be a labour and is aged about 53 years. According to the applicant, any other crime is not registered against him.

6] The non-applicant – Investigating Agency has not controverted the above submission.

7] Considering the facts of the case, in my view, the applicant is entitled for interim protection, however, on conditions as imposed by this Court.

In the event of arrest in connection with Crime No. 121/2019 registered with the non-applicant – Police Station, the applicant be released on bail on executing P.R. Bond for Rs. Twenty Thousand and on furnishing one solvent surety in the like amount.

The applicant shall attend the non-applicant – Police Station on every Wednesday between 10:00 am to 2:00 pm till filing of the charge-sheet.

The application is **allowed** in the above terms..

JUDGE