

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

CRIMINAL APPLICATION (ABA) NO.277 OF 2020

(Nadeem Kha s/o Noor Kha and another Vs. State of Maharashtra thr. PSO PS
Hiwarkhed, Tq. Telhara, 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. A.B. Mirza, Advocate for Applicant.
Mr. J.Y. Ghurde, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 29th OCTOBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicants are seeking pre-arrest protection, apprehending arrest in Crime 110/2020 registered with the Police Station Hiwarkhed, Tq. Telhara, Dist. Akola for offences punishable under section 143, 147, 148, 149, 324, 326, 504 and 506 of the Indian Penal Code.

4] It is pointed out by the learned counsel Mr. A.B. Mirza that the brother of the applicant one Nadeem Kha lodged report for offences punishable under section 307, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal

Code against the complainant and others. In the incident, the applicants suffered serious injuries. The report lodged by the younger brother of the applicants was at 02:57 p.m. on 29.05.2020 while the counter report lodged by the complainant was at 05:03 p.m. The submission is that while the applicants are seriously injured in the incident, the complainant has not suffered any major injury.

5] This Court (Coram: M.G. Giratkar, J.) vide order dated 14.07.2020 protected the applicants and directed them to co-operate with the Investigating Officer. It is not the case of the prosecution that the applicants have not co-operated. They have attended the police station and the weapons allegedly used are seized.

6] Considering that the applicant were seriously injured in the incident, and that custodial interrogation would may not be necessary in view of the co-operation extended and the seizure of the weapon, the interim protection granted vide order dated 14.07.2020 is made absolute subject to the condition, that till the charge-sheet is filed, the applicant shall attend the police station as and when required. The applicants shall not make any attempt to influence the witnesses or to tamper with the evidence.

JUDGE