

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

CRIMINAL APPEAL NO. 291/2020.

Dhananjay Gopalrao Dahore,
Aged 35 years, Occupation
Agriculturist, resident of
Sikraopeth, Rajane Chowk,
Taluka and District Washim.

... **APPELLANT.**

VERSUS

1.State of Maharashtra,
through Police Station, Washim (Gramin)
Tq. and District Washim.

2.Dinakar Ganpat Sawale,
Aged 50 years, Occupation
Agriculturist, resident of Sawargaon
Barde, Washim Gramin, Washim,
Tq. and District Washim.

... **RESPONDENTS.**

Shri S.R. Deshpande, Advocate for the Appellant.
Shri S.D. Sirpurkar, A.P.P. for Respondent No.1.
None for Respondent No.2 – Served.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 27, 2020.

ORAL JUDGMENT :

Heard.

Admit. Considering the issue involved in the matter and by consent of the learned Counsel present for the parties, Appeal is taken up for final disposal.

2. The appellant against whom crime for commission of non-bailable offence has been registered has approached the Court of Sessions for grant of pre-arrest bail. However, vide order dated 27.08.2020, the Sessions Court declined to grant him protection. The appellant has challenged the said order by way of this appeal.

3. After reading the entire first information report, it reveals that the co-accused nos. 1 to 3 have abused the informant in the name of caste and assaulted him. The only allegation against the appellant is that at his instance co-accused did the things. Apparently as per the first information report the appellant was not present at the time of occurrence.

4. The reply affidavit filed by respondent no.1 State discloses that already investigation is complete and charge sheet has been filed. Moreover, the State has not disputed that the appellant is not abiding by the conditions imposed on him while granting

interim protection. Obviously nothing is to be seized from the appellant. In view of that appeal is required to be allowed. Hence, the following order.

- (i) Criminal Appeal is allowed.
- (ii) The judgment and order passed by the Additional Sessions Judge, Washim in Misc. Criminal Application No.287/2020 on 27.08.2020 is hereby quashed and set aside.
- (iii) The interim protection granted to the appellant vide order dated 04.09.2020, is hereby made absolute on same terms and conditions, except that of condition of attendance.

JUDGE

Rgd.