

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

CRIMINAL APPLICATION (ABA) NO.325 OF 2020

(Firdaus Khan Gulbar Khan Vs. State of Maharashtra thr. PSO PS Nagpuri Gate,
Amravati, Dist. Amravati)

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

Court's or Judge's orders.

Mr. Syed Ateeb, Advocate for Applicant.
Mr. N.B. Jawade, 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 applicant is seeking pre-arrest protection in connection with Crime 66/2020 registered with the Police Station Nagpuri Gate, Amravati for offences punishable under section 307, 324, 452, 143, 147, 148, 149, 109 of the Indian Penal Code and section 4 and 25 of the Arms Act.

4] The allegation against the applicant is that he was a member of an unlawful assembly comprising hundred persons or thereabout which assaulted Maulna Samdani.

5] The role attributed to the applicant is assault with wooden stick. While granting interim protection, this Court directed that the period of attending the police station shall be considered as deemed custody. The wooden stick is recovered pursuant to section 27 of the Indian Evidence Act memorandum. It is, therefore, clear that formal custodial interrogation may not be necessary.

6] That apart co-accused Jabaz Khan who allegedly pelted stones on the complainant is granted interim protection.

7] I am satisfied that if the applicant is protected, there would be no adverse effect on the investigation.

8] The interim protection granted vide order dated 09.09.2020 is made absolute with the only modification that the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE