

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

CRIMINAL APPLICATION (ABA) NO. 365 OF 2020

(Joharlal s/o Shravan Manghate ..vs.. The State of Maharashtra, through PSO, PS Salekasa)

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

Court's or Judge's orders

Mr. A.V. Jaltare, Counsel for the applicant,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 21-10-2020

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 apprehending arrest in Crime 167/2020 registered with Salekasa Police Station for offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code.

4. The incident occurred on 21-7-2020. There appears to have been a physical altercation between families of adjoining field owners. Counter reports are lodged.

5. In so far as the applicant is concerned, while his son was granted pre-arrest protection, the learned

Sessions Judge denied the applicant's pre-arrest protection on the ground that the axe is to be recovered.

6. I have minutely scrutinized the case diary. Most of the witnesses do not even refer to the axe. A solitary witness says that the applicant attempted to inflict an axe blow which scraped the leg of the injured. There is no corresponding injury to suggest that any such thing happened.

7. Considering the material on record, a case is made out for grant of pre-arrest protection, particularly as it is not the case of the prosecution that the applicant has antecedents or that the applicant has not complied with the conditions of interim anticipatory bail.

8. The interim protection granted vide order dated 25-8-2020 is made absolute with the only modification that the applicant shall attend the police station as and when required by the Investigating Officer.

JUDGE

adgokar

Prafulla
Adgokar

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by Prafulla
Adgokar
Date:
2020.10.21
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