

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

CRIMINAL APPLICATION (ABA) NO.740 OF 2020

(Zakir Hussain s/o Abdul Qadeer Ansari Vs. State of Maharashtra thr. PSO PS
Panchpaoli, Nagpur)

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

Court's or Judge's orders.

Mr. M.M.H. Siddiqui, Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 22nd DECEMBER, 2020.

The applicant is apprehending arrest in Crime 891/2019 registered with Police Station Panchpaoli, Nagpur for offence punishable under section 399, 402 of the Indian Penal Code and section 4 and 25 of the Indian Arms Act read with section 135 of the Bombay Police Act.

2. According to the prosecution the five accused had gathered, armed with weapons, and the intent was to commit robbery/dacoity. Four accused were apprehended from the spot. Weapons are seized from the apprehended accused. The fifth accused allegedly fled, taking the advantage of the darkness. According to the prosecution the applicant is the fifth accused who escaped.

3. The applicant was granted pre-arrest protection and I noted that the circumstances in which the present

applicant is identified as the fifth accused will have to be ascertained. While the case diary is produced, the learned APP Mrs. K.R. Deshpande fairly states that the only material is the disclosure made by the co-accused.

4. It may be true, as stated by the learned APP that the applicant has criminal antecedents. But then, in the absence of any admissible material to connect the applicant with the present crime, that he has criminal antecedents would not be a ground to deny pre-arrest protection. The pre-arrest protection granted vide order dated 08.12.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE