

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

CRIMINAL APPLICATION (ABA) NO. 5 OF 2021

(Monu s/o Gayatriprasad Mourya ..vs.. State of Maharashtra, through PSO, PS Pratapnagar, Nagpur)

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

Court's or Judge's orders

Mr. P.K. Bezalwar, Counsel for the applicant,
Mr. V.A. Thakre, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 29-01-2021

Heard.

2. The applicant is apprehending arrest in Crime 261/2020 registered with Pratapnagar Police Station, Nagpur for offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

3. Vide order dated 08-1-2021 this Court protected the applicant observing thus :

“5. The allegation is that the applicant and the co-accused assaulted the informant. The assault is a fall out of road rage incident. The two co-accused, who are arrested, are released on bail, and the prima facie finding recorded by the learned Sessions Judge is that offence punishable under Section 307 of the Indian Penal Code is not made out. It is noted in the order granting regular bail to the co-accused that the injuries suffered on the face and the head, are simple injuries. The role attributed to the applicant is that he picked up a plastic stool and dealt a blow to the informant on the head.

6. *It is noted in the order granting regular bail*

that the investigation is virtually complete. Considering the material on record, till the case diary is produced, the applicant can be protected.”

4. The applicant has attended the police station as directed.

5. Considering the allegation that plastic stool is used, that custodial interrogation is not necessary, and further that the applicant has no adverse antecedents and is not likely to be a flight risk, the interim protection granted vide order dated 08-1-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station, as and when directed by the Investigating Officer.

JUDGE

adgokar