

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

**Criminal Application (ABA) No. 50 of 2021**

(Ramesh Yeshwant Ingle ..vs.. State of Maharashtra through P.S.O., Nandanwan, Nagpur)

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

Court's or Judge's orders

Mr. U. P. Dable, Advocate for the applicant  
Mr. M. K. Pathan, APP for the State/non-applicant

**CORAM : ROHIT B. DEO, J.**

**DATED : 17-02-2021**

Heard.

2. The applicant is apprehending arrest in Crime 17/2021 registered with Police Station, Nandanvan, Nagpur for offences punishable under Sections 406, 409, 419, 420, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code.

3. This Court granted interim pre-arrest protection vide order dated 3-2-2021 subject to condition that the applicant shall attend Police Station, Nandanvan, Nagpur on 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> February, 2021 from 10.00 a.m. to 3.00 p.m. and shall cooperate with the Investigating Officer. The Investigating Officer is personally present. The Investigating Officer has placed on record a communication addressed to the learned Registrar of this Court stating that the applicant did not attend the police station even on one occasion.

4. Mr. Uday Dable concedes on instructions that the applicant did not attend the police station either on 5<sup>th</sup> or 6<sup>th</sup> or 7<sup>th</sup> February, 2021. According to the learned counsel, the applicant obtained hamdast of the order dated 3-2-2021 on 5<sup>th</sup> February, 2021 and therefore, there is some explanation for not attending the police station on 5<sup>th</sup> February. This submission misses the point that the order dated 3-2-2021 is uploaded on the website on the same day. That apart, there is not even an attempt to justify not attending the police station on 6<sup>th</sup> and 7<sup>th</sup> February.

5. It is more than clear that the applicant has breached with impunity the conditions of pre-arrest protection.

6. Pre-arrest protection is discretionary relief and one of the important and relevant consideration is whether the accused respects the sanctity of process of law. Accused who fails or refuses to comply with the condition that he shall attend the police station and cooperate with the Investigating Officer certainly does not deserve the discretionary relief of pre-arrest protection. Such a person surely poses a flight risk. It is obvious that if the accused has no respect to the conditions imposed by the High Court, the chances of the accused not being available for interrogation and then to face the trial, are indeed bleak.

7. Mr. Uday Dable would submit that the application be considered on merits.

8. As observed earlier, the refusal of the accused to attend the police station notwithstanding a direction issued by this Court, is an extremely relevant consideration even on merits. I am therefore, impelled to reject the prayer for pre-arrest protection on the sole ground that the applicant has not complied with the conditions of pre-arrest protection.

9. The application is dismissed.

**JUDGE**

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