

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

Criminal Application (ABA) No. 127 of 2021

(Shailesh @ Sonu S/o Kashinath Jadhav ..vs.. State of Maharashtra through P.S., Old City, Akola)

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

Court's or Judge's orders

Mr. G. I. Dipwani, Advocate h/f Shri K. H. Anandani, Advocate for the
applicant

Mr. N. R. Rode, APP for the State

CORAM : ROHIT B. DEO, J.

DATED : 05/03/2021

On the last date of hearing, learned counsel
Mr. Dipwani stated that the applicant shall surrender on
or before 5-3-2021.

2. Although after hearing learned counsel
Mr. Dipwani, I was inclined to reject the application, in
view of the statement made, I did not pass order and
directed that the application be listed today.

3. Today, Mr. Dipwani states that neither he nor the
local counsel were in a position to establish contact with
the applicant-accused since the applicant-accused is not
receiving their calls.

4. The applicant is apprehending arrest in Crime 431/2020 registered with Police Station Old City, Akola for offences punishable under Sections 143, 147, 148, 149 and 307 of the Indian Penal Code.

5. Learned Additional Public Prosecutor Mr. Nitin Rode strongly opposed the grant of pre-arrest protection, *inter alia* on the ground that the applicant is a known history-sheeter and is already facing multiple prosecutions. The learned Additional Public Prosecutor would further submit that, even otherwise, there is more than ample evidence on record to link the applicant with the crime.

6. Perusal of the material reveals that serious offences, *inter alia* of assault, dacoity, extortion and rioting are registered against the applicant. The allegation against the applicant is that he and the co-accused formed unlawful assembly and attempted to murder the complainant by using knives, iron rod and stones. The material on record, *inter alia*, includes the statements of the eye witnesses. Considering that as

many as 15 crimes are registered against the applicant in various police stations in Akola, the possibility that the applicant shall intimidate the witnesses and obstruct the investigation cannot be ruled out. That apart, custodial interrogation is imperative. Recovery is to be made. The material on record is *prima facie* substantial.

7. No case for exercise of discretion is made out. The application is dismissed.

JUDGE

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