

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

CRIMINAL APPLICATION (ABA) NO.205 OF 2021

(Vaibhav Sanjay Sose Vs. The State of Maharashtra thr. PSO PS Akot (City), Tq. Akot,
Dist. Akola)

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

Court's or Judge's orders.

Mr. V.B. Bhise, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.
DATE: 25th MARCH, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending arrest in Crime 130/2021 registered with Police Station Akot, District Akola for offence punishable under Section 326 read with Section 34 of the Indian Penal Code.

3. The submission is two fold.

4. The first submission is that the co-accused is arrested and the iron rod used in the assault is recovered. The other submission, which is an extension of the first, is that custodial interrogation is not necessary.

5. In my considered view, no discretion can be exercised in favour of the applicant.

6. The allegation is that the applicant and co-accused, both of whom were armed with iron rod brutally assaulted one Prashant. The specific case of the prosecution is that both accused inflicted the blows and Prashant has suffered skull fracture.

7. The submission that co-accused is arrested and the iron rod recovered, and therefore, custodial interrogation of the applicant is not necessary, merits rejection. The iron rod which is used by the applicant will have to be recovered. In any event, the applicant was not protected by the learned Sessions Judge. He was absconding. No discretion can be exercised in favour of the applicant and no indulgence can be shown to the applicant only on the ground that till date he has successfully evaded arrest.

8. The application is dismissed.

JUDGE