

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

CRIMINAL APPLICATION (ABA) NO.226 OF 2021

(Pradeep s/o Dharmaji Tasare Vs. The State of Maharashtra thr. PSO PS Gittikhadan,
Nagpur)

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

Court's or Judge's orders.

Mr. A.B. Moon, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 31st 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 363/2019 registered with Police Station Gittikhadan, Nagpur for offences punishable under Sections 307, 201, 368, 143, 147, 148 and 149 of Indian Penal Code.

3. The injured victim Ravi Dhande was brutally assaulted on 18.05.2019.

4. While the learned counsel for the applicant submits that the applicant is not named in the report lodged, the omission is of no relevance. The report is not lodged by the injured. The informant Yogesh has named the

accused whom he knew. The informant states in the report that the named accused were accompanied by others.

5. The statement of the injured could be recorded at the hospital only on 26.05.2019 after he regained consciousness. The injured has specifically named the applicant as an assailant.

6. While rejecting the pre-arrest protection, the learned Sessions Judge has noted that after the commission of offence, the applicant was absconding. The learned counsel for the applicant submits that the applicant was not aware of the registration of offence or the filing of the charge-sheet. Considering the material noted by the learned Sessions Judge, the submission that the applicant was not aware of the registration of the offence, cannot be accepted. The applicant is shown as an absconding accused in the charge-sheet. While the submission is that most of the accused are released on regular bail and some are released on anticipatory bail, the learned Sessions Judge has rightly noted that the accused is not similarly circumstanced. The applicant is specifically named by the injured and he was absconding.

7. The assault was brutal and the injuries caused grievous.

8. In this view of the matter. It would not be appropriate to exercise discretion in favour of the applicant.

9. The application is rejected.

JUDGE

NSN