

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

CRIMINAL APPLICATION (ABA) NO.170 OF 2020

(Mohammad Sohel Mohammad Nizam Malik Vs. State of Maharashtra thr. PSO PS
Lakadganj, Nagpur)

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

Court's or Judge's orders.

Mr. N.B. Bargat, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd FEBRUARY, 2021.

The applicant is apprehending arrest in Crime 613/2019 registered with Police Station Lakadganj, Nagpur for offences punishable under Sections 307, 326, 324 read with Section 34 of the Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. Vide order dated 11.03.2020 the applicant was granted interim pre-arrest protection subject to he attending the concerned police station on the dates prescribed.

3. By subsequent order dated 08.01.2021 the applicant was directed to attend the police station on further dates, since earlier he could not be interrogated as the Investigating Officer was on leave. This Court noted the submission of the learned APP that the Investigating Officer intends to conduct the identification parade.

4. The learned APP Mr. Pathan states that despite

the best efforts of the Investigating Officer the witnesses have not come forward to co-operate in conducting the identification parade.

5. It is fairly stated that the other accused are released on bail.

6. In so far as the applicant is concerned, he is not named. According to the prosecution the reference to “Maya” in the report and the statement of witnesses is a reference to the applicant whose name is Mohammad Sohel Mohammad Nizam Malik.

7. At this stage, there is no material on record to substantiate the submission that the applicant is Maya who is named in the FIR and the statements.

8. In this view of the matter, the interim protection granted vide order dated 11.03.2020 is made absolute with the modification that till the charge-sheet is filed, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

9. The applicant shall not make any attempt to influence the witnesses or tamper with the evidence.

10. The applicant shall not leave the country without permission of the jurisdictional court.

JUDGE