

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

Criminal Application (ABA) No. 241 of 2021

(Divakar Tukaram Jadhao ..vs.. State of Maharashtra through P.S.O., P.S., Badnera, Tq.
& Dist. Amravati)

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

Court's or Judge's orders

Mr. S. S. Dhengale, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 23-04-2021

Heard.

2. Vide order dated 9-4-2021, the applicant, who is a school teacher, was granted ad-interim pre-arrest protection.

3. This Court observed thus :

“4. The learned Sessions Judge, who rejected the pre-arrest protection, has observed that according to the injured, the applicant assaulted him with an iron rod.

5. The learned Sessions Judge notes that the iron rod will have to be recovered.

6. In order to balance the interest of the applicant and that of the Investigating Officer, till the perusal of the case diary, the applicant can be protected subject to strict conditions.”

4. This Court further observed that the period of attending the police station shall be considered as deemed custody.

5. Learned Additional Public Prosecutor Mr. Mehroz Pathan fairly states that the applicant has attended the police station and the iron rod allegedly used in the assault is recovered.

6. Perusal of the investigation papers indicates that if the pre-arrest protection is made absolute, the investigation is not likely to suffer.

7. The interim pre-arrest protection granted vide order dated 9-4-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station as and when directed by the Investigating Officer.

8. The application is disposed of.

JUDGE