

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 517 OF 2021**

Abhijit s/o Kishor Sapkal and anr.

..vs..

State of Maharashtra, thr. P.S.O.

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

Shri S.I. Ali, Advocate for applicants.

Shri A.M. Deshpande, A.P.P. for non-applicant/State.

**CORAM : VINAY JOSHI, J.**

**DATED : 25/08/2021**

Heard.

2. By this application, applicants are seeking for pre-arrest protection in Crime No.551 of 2021 registered with Balgaon Police Station, Amravati City, District Amravati for the offence punishable under Sections 325, 326 read with 34 of the Indian Penal Code.

3. The non-applicant/State resisted bail by filing affidavit-in-reply.

4. It is the prosecution case that the informant was working as a servant at an eating house owned by applicant no.1 Abhijit Sapkal. On 07.07.2021, around 1.00 pm, when the informant has demanded his remuneration, applicant no.2 Sachin Kilor caught hold the informant whilst applicant no.1 has dealt blows at legs and hands of the informant by means of wooden

rafter.

5. A perusal of statement of the informant and all medical paper reveals that on the very day, the informant was admitted in the Hospital and then for further treatment, he was sent to the Nagpur. The injury certificate discloses that there was a fracture of Right tibia fibula. Medical paper further discloses that for near-about next 10 days, the informant was under treatment.

6. Allegations against applicant no.1 Abhijit Sapkal is of assaulting the informant by weapon whilst applicant no.2 Sachin Kilor allegedly caught hold the informant to assist applicant no.1-main accused. It is urged that custodial interrogation of applicants is required for recovery of weapon, which is used in the crime. Having regard to the allegation, there is *prima facie* material against applicant no. 1 about his specific role in assault. There is necessarily to have custodial interrogation of applicant no.1 to recover the weapon, hence he is not entitled for pre-arrest protection. Considering the limited role of applicant no.2, his liberty can be protected by directing him to join the course of investigation. In view of that following order :

- (a) The application stands partly allowed.
- (b) Application for pre-arrest protection in respect of applicant no.1 Abhijit s/o Kishor Sapkal stands rejected.

- (c) In the event of arrest applicant no.2/ accused Sachin s/o Prakashrao Kilor in connection with Crime No.551 of 2021 registered with Balgaon Police Station, Amravati City, District Amravati for the offence punishable under Sections 325, 326 read with 34 of the Indian Penal Code, he be released on bail on his furnishing P.R. bond of Rs.25,000/- with one surety in the like amount.
- (d) The applicant/accused shall attend concerned Police Station on every Sunday in between 11.00 am to 2.00 pm till the filing of charge-sheet.

**JUDGE**

*Trupti*