

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

CRIMINAL APPLICATION (ABA) NO.581 OF 2021

Gajanan s/o Devrao Sable
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri V. Kulsange, Advocate for applicant.
Shri S.D. Sirpurkar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 27/09/2021

Heard.

2. In anticipation of arrest in Crime No.174 of 2021 registered with non-applicant – Police Station Lonar, District Buldhana for the offence punishable under Sections 143, 147, 18, 149, 324, 323, 504 and 506 of the Indian Penal Code, applicant is seeking for pre-arrest protection.

3. During the course of investigation, Police found the informant's shoulder was dislocated due to which Section 326 of the Indian Penal Code was also added at later stage.

4. It is the prosecution case that on the date of incident, the applicant along with three co-accused have quarreled with the informant at the instance of

monetary dispute. At relevant time all of them abused to the informant. However, particularly the applicant dealt a stick blow at the shoulder of the informant. In the result, the informant's shoulder was dislocated.

5. Learned Counsel for the applicant would submit that the incident was occurred on 04.07.2021, whilst the report was lodged after four days. Learned A.P.P. has pointed out that delay in lodgment of First Information Report occurred since the informant was taking treatment in the Hospital.

6. It reveals that, the allegation against the applicant is of assaulting the informant by means of stick. During the course of investigation, two sticks and one iron rod were already seized by the Police. After treatment, the informant is discharged long back. Initially, the Police have registered the offence punishable under Section 324 of the Indian Penal Code, however, later on, Section 326 has been added. No convincing reason is made out to have the applicant's custodial interrogation. However, it appears that the applicant is resident of same locality. Having regards to these facts, applicants' liberty can be protected by imposing certain conditions. In view of that, following order :

(a) The Criminal Application stands allowed.

- (b) Ad-interim order dated 06.09.2021 is hereby made absolute on same terms and condition.
- (c) The applicant shall not enter into the limits of Lonar Tahsil, till filing of the charge-sheet except attending the Police Station.
- (d) The Applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

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