

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

**CRIMINAL APPLICATION (ABA) NO.679 OF 2020**

(Sambayya Chinanna Kadarla and another Vs. The State of Maharashtra thr. PSO PS  
Reguntha, Dist. Gadchiroli)

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

*Court's or Judge's orders.*

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Mr. A.R. Fule, Advocate for Applicant.  
Mr. V.A. Thakare, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 7<sup>th</sup> JANUARY, 2021.**

The applicants are apprehending arrest in Crime  
1/2020 registered with Police Station Reguntha, District  
Gadchiroli for offences punishable under sections 353, 332,  
504, 506 and read with section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report  
dated 17.05.2020 lodged by Police Constable Gopi Akulwar.  
The gist of the report is that at 08:45 p.m. when the  
complainant was proceeding towards the police station,  
applicant 1 picked up an altercation and dealt a single blow  
with *chappal* on the cheek of the complainant. It is further  
alleged that applicant 1 threatened the complainant that he  
would be "set right" with the help of *naxals*.

3. Section 353 and 332 are non-bailable.  
However, even if the entire material in the case diary is

perused, *prima facie*, the alleged assault is not shown to have been committed with the intention of preventing or deterring the Police Constable from discharging duty nor is it shown that the assault is linked with anything done in the past in exercise of discharge of duty.

4. In so far as applicant 2 is concerned, no role is attributed to him in the assault with *chappal*.

5. I have perused the statements of the witnesses who claimed to be the eye witnesses. At least three witnesses do not name applicant 1 and state that they saw a 60 years old person dealing a single *chappal* blow on the face of the complainant.

6. Be that as it may, I am satisfied that custodial interrogation is not necessary. The applicants do not have criminal antecedents and even according to the complainant, applicant 1 is a respected senior citizen. The applicants do not pose like flight risk.

7. The application is allowed.

8. The interim protection granted vide order dated 02.06.2020 is made absolute.

**JUDGE**