

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

CRIMINAL APPLICATION (APL) NO.828 OF 2020

(Pradip s/o Samartharao Gaikwad Vs. The State of Maharashtra thr. PSO PS
Hinganghat, Dist. Wardha)

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

Court's or Judge's orders.

Mr. Tejas Deshpande, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 25th JANUARY, 2021.

Heard the learned amicus Mr. Tejas Deshpande, who was appointed since the Advocate on record Mr. Dupare failed to appear and the learned APP Mr. N.R. Rode.

2. The grievance of the applicant is that the pre-arrest protection which is granted by the learned Sessions Judge vide order dated 29.06.2019 is cancelled on untenable grounds.

3. Having heard the learned counsel, and having perused the reasons recorded and the affidavit filed on record on behalf of the Investigating Officer, I see no reason to interfere with the order of cancellation of pre-arrest protection. The applicant was granted pre-arrest protection subject to the condition that he attends the concerned police

station every Monday between 11:00 a.m. to 02:00 p.m. till the filing of the charge-sheet. According to the Investigating Officer the applicant attended the police station only once.

4. The applicant contends that while he did attend the police station as ordered, entries were not recorded in the diary. This submission is belied by the fact that the applicant himself produced extract of the diary dated 15.07.2019 in which his attendance is noted by the Investigating Officer and the crime is mentioned. This is the only entry produced on record by the applicant – accused. The submission, that the police did not record the entries, appears to be baseless. The conduct of the applicant – accused is further apparent from the fact that he did not comply with the direction of the learned Sessions Judge to remain personally present on 16.10.2020 and thereafter on 17.10.2020. The applicant was not present on 20.10.2020 when the order of cancellation of pre-arrest protection was dictated and pronounced.

5. According to the Investigating Officer the refusal of the applicant – accused to co-operate and to attend the police station is causing serious harm to the investigation which has come to a stand still.

6. Considering the matter holistically, the learned Sessions Judge committed no error in cancelling the pre-arrest protection.

7. The application is dismissed.
8. The able assistance of Mr. Tejas Deshpande is appreciated.

JUDGE

NSN