

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

CRIMINAL APPLICATION (ABA) NO.750 OF 2020

(Umesh Bhaskar Borkar and another Vs. The State of Maharashtra thr. PSO PS
Ansingh, Tq. & Dist. Washim)

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

Court's or Judge's orders.

Mr. R.S. Kurekar, Advocate for Applicants.
Mr M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th JANUARY, 2021.

The applicants are apprehending arrest in Crime 293/2020 registered with Police Station Ansing, District Washim for offences punishable under section 307 read with section 34 of the Indian Penal Code and section 4/25 of the Arms Act.

2. The report is lodged by Mr. Rameshwar Jadhav. Four persons are implicated, who are Ganesh, Mukesh, Umesh and Dinesh. The allegation is of assault and attempt to commit murder.

3. While the pre-arrest protection application preferred by Ganesh is pending, Mukesh is granted regular bail by the learned Sessions Judge. Umesh and Dinesh are before this Court.

4. Perusal of the injury certificate which records an abrasion and blunt trauma (no visible injury) on the back, left leg and neck, and both the injuries are described as simple, appears to be inconsistent with the version of the complainant that he was assaulted with an iron rod (tommy). In so far as the allegation that the assailants intended to murder the complainant, it is alleged that the assailants ran after the complainant with the weapons and he escaped. Mukesh, who allegedly were armed with sword and is attributed a similar role is released on regular bail.

5. The iron rod (tommy) which Umesh allegedly used or possessed is already recovered. Considering that the applicants are relatively young, aged 19 and 22 years respectively and claim to be students, that there are no criminal antecedents, and the custodial interrogation may not be necessary, the pre-arrest protection granted vide order dated 10.12.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicants shall attend the concerned Police Station on Monday and Friday every week from 10:00 a.m. to 12:00 p.m.

JUDGE