

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

CRIMINAL APPLICATION (ABA) NO. 676 OF 2021

Vishal Pralhad Falke

..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 A.R. Deshpande, Advocate for applicant.
Shri S.D. Sirpurkar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 25/10/2021

Heard.

2. In anticipation of arrest in Crime No.631 of 2021 registered with Khamgaon City Police Station, District Buldhana for the offence punishable under Sections 326, 143, 147, 148, 149 of the Indian Penal Code, the applicant/accused is seeking for pre-arrest protection.

3. It is the prosecution case that on 13.07.2021, around 9.30 am, the applicant along with his associates arrived on the place and particularly, the applicant inflicted a knife blow at the head of the injured-informant.

4. Perused the reply as well as case papers. The informants' mother and other eye-witnesses has specifically stated that the applicant has inflicted a

knife blow at the backside of head of the informant. Medical Certificate shows that the informant sustained CLW at left occipital region measuring 3x3 mm. The applicant's direct role is evident. Though it is argued that there was prior enmity and inconsistency in the statement of informant and his mother, I am not impress by the said submission. Firstly, prior enmity can be a reason for assault also and secondly, at this premature stage inconsistency in the statement cannot be considered, particularly, while investigation is in progress.

5. Having regard to the specific role ascribed to the applicant of inflicting a knife blow at the head, it is not a case to grant pre-arrest protection. Hence, application stands rejected.

JUDGE

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