

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

CRIMINAL APPLICATION (ABA) NO.765 OF 2020

(Raju s/o Deorao Manwar and others Vs. State of Maharashtra thr. PSO PS Ansing,
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. Raju Kadu, Advocate for Applicants.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th JANUARY, 2021.

The applicants are apprehending arrest in Crime 302/2020 registered with Police Station Ansing, District Washim for offences punishable under sections 147, 148, 149, 326, 307, 341, 324, 504, 506 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 31.10.2020 lodged by Mr. Shalikram Manwar.

3. It is alleged that due to previous enmity on the issue of construction of house/disturbance to easmentary right, at 06:00 a.m. the complainant and his family members were severely assaulted by the applicants herein and co-accused. At least two family members of the complainant namely Pravin and Milind suffered head injury due to the indiscriminate assault with iron rod.

4. I have scrutinized the material in the case diary.

The allegation against the applicants 1 and 2 Raju Manwar and Dipak Manar are general and no specific role in the assault is attributed. However, the same cannot be said as regards the applicants 3 and 4, Sidhartha and Santosh. The statements and the role attributed to applicants 3 and 4 are consistent. Applicants 3 and 4 allegedly assaulted the complainant and his family members with iron rod and the injury reports substantiate, *prima facie*, the version of the complainant. One iron rod is to be recovered.

5. Considering the material in the case diary, the applicants 3 and 4 Sidhartha and Santosh are not entitled to discretionary relief and this application is rejected, as regards applicant 3 and 4.

6. Applicants 1 and 2 Raju and Dipak are however, entitled to pre-arrest protection and qua them the interim protection granted vide order dated 18.12.2020 is made absolute with the only modification that till the charge-sheet is filed, they shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE