

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

CRIMINAL APPLICATION (ABA) NO.147 OF 2022

Ajay S/o Rajendra Chauhan

Versus

State of Maharashtra, through P.S.O., P.S. Kanhan, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.C. Jaltare, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 23/03/2022

1. The applicant is praying for grant of pre-arrest bail in Crime No.101 of 2021, dated 29.03.2021, registered with police Station Kanhan, District Nagpur (Gramin), for the offence punishable under Sections 307, 294 and 34 of the Indian Penal Code against the four accused persons, including the applicant.

2. After the first unsuccessful attempt, in which the applicant after filing the Criminal Application (ABA) No.429 of 2021 before this Court for grant of pre-arrest bail, withdrew the same after this Court had expressed its non-inclination to grant pre-arrest protection. Thereafter, the application was filed before the trial Court which came to be rejected on 04.02.2022. The trial Court has in clear terms observed that the applicant is absconding after the offence was registered on 29.03.2021.

3. Today, as a change in circumstance, it is pointed out that the dispute has been settled between the complainant and the applicant.

4. It is pointed out that in view of the settlement proceedings for quashing of First Information Report (FIR) was filed. However, it was withdrawn for the reason that the charge-sheet is not yet filed.

5. It would not be safe to consider the settlement in crime registered under Section 307, for grant of pre-arrest bail unless the Competent Court quashes the FIR on the ground of settlement.

6. In that view of the matter and in view of the fact that the applicant is absconding from last about one year, I am not inclined to allow this application.

The application is **rejected**.

[ANIL S. KILOR, J.]