

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

CRIMINAL APPLICATION (ABA) NO. 685 OF 2022

Shubham s/o Vijay Bhise vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N. P. Sawadatkar, Advocate for applicant.
Mr. S. M. Ghodeswar, APP for respondent.

CORAM : G. A. SANAP J.

DATE : 20/10/2022

The applicant apprehends arrest in a crime bearing No.0557 of 2022, registered at Buldhana City Police Station, District Buldhana for the offences punishable under Sections 323, 326 and 504 of the Indian Penal Code.

2. It is the case of the prosecution that the accused inflicted the blows with the knife on the victim. The victim sustained 03 grievous injuries. The accused ran away from the spot. It is the case of the prosecution that the accused was unknown to the informant and his other friends, who are the eye witnesses to the incident.

3. It is the case of the applicant that for the custodial interrogation his arrest is not necessary. He is ready to cooperate the Police. For the purpose of recovery, the arrest of the applicant is not necessary inasmuch as the weapon alleged to have been used in commission of a crime has already been seized. It is further stated that he is ready to abide by the conditions that may be imposed by the Court.

4. The State has opposed the application. It is contended that the crime committed by the accused is serious. The arrest of the accused is necessary for the purpose of test identification parade. The clothes on the person of the accused are yet to be seized. His custodial interrogation is necessary. The Investigating Officer proposes to conduct the test identification parade, inasmuch as the accused was unknown to the victim prior to the incident.

5. I have heard the learned counsel for the applicant and learned APP for the respondent State. I have gone through the case diary. A perusal of the case diary would show that the victim sustained three grievous injuries. It is undisputed that the weapon i.e. knife used in the crime has been recovered from the spot. It has been stated in the report that the

assailant was unknown to the victim and his friends who are eye witnesses.

6. Considering the serious nature of crime and the fact that the Investigating Officer cannot take the investigation to logical conclusion without affecting the arrest of the accused, this is not a fit case to grant interim protection from arrest to the accused. There is no substance in the application, hence it is rejected.

JUDGE