



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

CRIMINAL APPLICATION (ABA) NO. 456/2023

RURESH @ TIRUPATI S/O. BABURAO BHOGE
VS
STATE OF MAH. THR. PSO, PS LAKADANJ, NAGPUR

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

Court's or Judge's Order

Mr. B.H. Tekam, counsel for the applicant.

Mr M.J.Khan, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/07/2023.

1. Heard.
2. The present application is for grant of anticipatory bail in the event of his arrest in connection with Crime No.218/2010 registered with Police Station, Lakadganj, District Nagpur for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code.
3. The applicant is apprehending arrest at the hands of the Police as the crime is registered on the basis of report lodged by Mohanrao Nagbhushan Rao, on an allegation that on 24/06/2010 at about 11 to 11.30 a.m. when he was in a square near his house, at that time, co-accused Vinod Patel and two accused persons approached and assaulted him by means of a knife. On the basis of said report, Police have registered

the crime against Vinod Patel and two unknown persons. During the investigation, the name of the present applicant is revealed. Now, the applicant is apprehending arrest at the hands of the Police and therefore, he approached to this Court.

4. The said application is strongly opposed by the State on the ground that since 2010, the applicant was absconding. Hence, it is not the case to grant protection to the present applicant.

5. Having heard the learned counsel for the applicant. On perusal of the FIR and investigation papers, it reveals that the applicant was absconding since last ten years. Even the submission of learned counsel for the applicant is that, the applicant came to the know registration of the crime in the year 2021, and thereafter also, the applicant has not surrendered before the Court or applied for any protection.

6. For considering the grant of anticipatory bail, the gravity of the offence must be considered and whether the presence of the applicant can be secured if he is released on anticipatory bail. Due to the conduct of the present applicant, the apprehension that applicant would not be available for trial has substance, and therefore, the present applicant is not entitled for grant of any protection by granting anticipatory bail.

In view of the above, criminal application deserves to be rejected. Accordingly, I pass the following order,

Criminal Application is **rejected**.

JUDGE