



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

CRIMINAL APPLICATION (ABA) NO. 64 OF 2024

Karan s/o Krishna Muttnuri V/s State of Maharashtra

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

Court's or Judge's Order

Mr. Jaltare, counsel for the applicant.

Ms. Trupti Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/03/2024.

1. By this application, the applicant is seeking pre-arrest bail, in connection with Crime No. 481/2023 registered with Police Station, Rajura, District Chandrapur for the offence punishable under sections 143, 147, 307 read with Section 149 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of the Police as accusation against him as well as one Aakash Kande on an allegation that on 03/09/2023 said Aakash Kande and other 4 to 5 unknown persons assaulted the victim Vikky Pohankar on his head with a wooden stick, as a result of which, he had sustained the grievous injuries. On the basis of said report, police have registered the crime against the co-accused, and the present applicant was shown as an absconding accused in the charge-sheet. Therefore, he approached this Court for grant of pre-arrest bail.

3. Mr. A.C. Jaltare, learned counsel for the applicant submitted that as far as the present applicant is concerned, his

name is neither mentioned in the FIR nor mentioned in the subsequent statement of the informant. The statement of the injured is also recorded, who has also not named in the present applicant in the FIR nor his description is mentioned in the subsequent statement, which is recorded under Section 161 and 164 of the Cr.PC.. He submitted that now, the investigation is completed and charge-sheet is already filed against the co-accused, the custodial interrogation of the present applicant is not required and in view of that ad-interim protection granted to the present applicant deserves to be confirmed.

4. The learned APP strongly opposed the application on the ground that the present applicant was absconding since the date of the incident. Moreover, the Test Identification Parade is to be conducted and therefore, custodial interrogation of the present applicant is required. She further submitted that the clothes of the present applicant requires to be seized. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the issue regarding the abscond is concerned, there is no material on record to show that the applicant was absconding since the date of the incident. After considering the allegation against the present applicant. Admittedly the role of giving blow is not attributed to the present applicant but it is attributed to one Aakash Kande. During the investigation, the

statements of various witnesses are recorded, including the statement of the injured. The injured has specifically stated that co-accused Aakash Kande was holding the knife in his hand and has given a blow by the said knife on his person. He has not even described the other persons who were present along with the co-accused. The statement of the injured was also recorded under Section 164 of the Cr.P.C. Therefore, the contention of the State that the custodial interrogation of the present applicant for T.I. parade is not sustainable.

6. Considering the investigation is already completed, no specific role is attributed to the present applicant, the role of assault is to the co-accused who is already arrested and charge-sheet is already filed against him. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of his arrest, in connection with Crime No. 481/2023 registered with Police Station, Rajura, District Chandrapur for the offence punishable under sections 143, 147, 307 read with Section 149 of the Indian Penal Code, 1860, the applicant – **Karan s/o Krishna Muttnuri**, is released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. till filing of the supplementary charge-sheet against him.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]