

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 4082 OF 2015.

IMTIYAZ HUSAIN BEG MIRZA.

VERSUS

JAVED KHAN RASHID KHAN & OTHERS.

Appearance =>

Mr. Dhananjay B.Thoke, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of
Maharashtra – Non Applicant No.1.

CORAM : V.M. Deshpande, J.

DATE : 6th August, 2015.

Per Court :-

By the present Application, the Applicant is seeking cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Bhusawal, District – Jalgaon on 3rd July, 2015 in Criminal Application No.261 Of 2015, in favour of Non Applicant No.1 – Javed Khan Rashid Khan, in connection with CR No.34/2015 registered with Chhalisgaon Railway Police Station for the offence punishable under Section/s 307, 324, 143, 147, 148 and 149 of the Indian Penal Code and under Section 4 read with 25 of the Arms Act.

[2] Heard Mr. Dhananjay B.Thoke, learned counsel for the Applicant. He submitted that the learned Judge of the court below has not considered the First Information Report properly. He submitted that while granting the anticipatory bail in favour of Non Applicant

No.1, he learned Judge has recorded that name of Javed Khan is not appearing in the First Information Report, which according to him, is factually incorrect. He invited attention of this court to the First Information Report. From the First Information Report it is crystal clear that, no role is ascribed to Javed Khan Rashid Khan that he has assaulted the First Informant and/or he is the author of the serious injuries that appearing on the person of the First Informant, as alleged in the First Information Report.

[3] According to the learned counsel for the Applicant, the First Information Report states that, Non-Applicant No.1 - Javed Khan Rashid Khan has assaulted by means of shock-up on Ajay who is the servant of the First Informant. Nothing is placed on record before this court by the Applicant to show the nature of injury.

[4] The learned trial court has observed in the order that none of the eye witness pointed out exact role of Javed. In that view of the matter, discretion exercised by the learned trial court cannot be disturbed so lightly as prayed by the learned counsel for the Applicant. Hence, the Order :-

ORDER

Criminal Application is rejected.

(V.M. DESHPANDE, J.)