

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1660 OF 2014

Riyaz Ahemad Kureshi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. U.R. Agandsurve, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 12, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 283 of 2014 registered at Karmala Police Station for
offence punishable under Section 307, 142, 143, 147, 148, 149, 323,
504, 506 of the Indian Penal Code and Section 135 of the Bombay
Police Act.

3 It is the case of the prosecution that on 4/11/2014 Amin Rashid Beg lodged a report at the police station alleging therein that on 3/11/2014 he was standing with his friend Yogesh Mane and others near Kumbharwadi. Suddenly five persons including the present applicant accosted him. They were armed with iron rods, sword and sticks. In order to seek vengeance over previous incident, all the accused persons mounted assault upon the complainant. It is alleged that the present applicant had assaulted Yogesh Mane on his left hand wrist. That Izaz Abdul Kadar Pathan and Shahrukh Pathan were armed with sword and they assaulted Yogesh with swords. On the basis of the said report, Crime No. 283 of 2014 was registered at the police station.

4 Learned Counsel for the applicant submits that two accused persons have been arrested and are in custody. Whereabouts of the other two accused are not known. The applicant is seeking pre-arrest bail.

5 The applicant has placed reliance upon the injury certificate of Yogesh Mane which shows that the injured had sustained incised wound on his fronto temporal region which is 3 cm. x 2 cm. bone deep. Unfortunately, the medical officer, Sub-District Hospital, Karmala had described the said injury as a simple injury. Yogesh Mane had sustained second incised wound on his shin of tibia which is 4 cm. x 3 cm. bone deep. The same is also described as simple injury. He had sustained CLW on side of occipital region which is 7 cm. x 2 cm. bone deep which is again described as simple injury and the contusion on his left wrist joint on fore arm.

6 Learned Counsel submits that the only injury attributed to the present applicant could be the last injury, which is described as contusion on the wrist joint.

7 It is apparent on perusal of record that all the accused persons had a common object to assault Yogesh Mane. The present applicant

had apprehended the injured alongwith other accused with the object of assaulting him. Hence, his role cannot be segregated from the role attributed to the others. Two accused are in custody. It is not a fit case for grant of pre-arrest bail. The application being sans merit is rejected. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)