

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.493 OF 2015

Shaikh Muzaffar Shaikh Zafar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Manoj Harit i/b Manoj harit & Co. for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.A.B. Phodse, PC-2316 – Chhavani police station, Malegaon – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 17, 2015**

P.C.:

1. This application is moved for pre-arrest bail under section 438 of the Criminal Procedure Code. The applicant is facing charges under sections 324, 427, 504 and 506 of the Indian Penal Code and sections 37(1)(3), 135 of the Mumbai Police Act. The incident of assault has taken place in Malegaon Sessions Court on 11.12.2014. The complainant Akeel Baig was assaulted with a knife by the applicant/accused on the count of previous enmity. Hence, the offence was registered at his instance at C.R. No.112 of 2014 with the Chavani police station, Malegaon.

2. The learned Counsel for the applicant/accused submitted that though the offence was registered on 11.12.2014, he was given intimation for the first time on 24.2.2014. He was very much available in Malegaon

and he was not arrested by the police. He submitted that the incident is false and has never taken place. He is falsely implicated in the case as there was some dispute in respect of issuance of fake caste certificate.

3. Learned Prosecutor has opposed the application. On instructions from the Investigating Officer, he submitted that the applicant/accused was not available in Malegaon when the police tried to nab him. He has further submitted that after 3 months, no custodial interrogation is required.

4. Perused the FIR. It is an offence under section 324 of the Indian Penal Code. The incident of assault has taken place in the Sessions Court building. In view of this, I am not inclined to grant pre-arrest bail to the applicant/accused. Hence, the Anticipatory Bail Application is rejected. The applicant/accused is directed to surrender before the learned Magistrate tomorrow i.e., 18th April, 2015.

5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)