

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.697 OF 2015**

Mohammed Danish Ahjaz Ahmed Shaikh ..Applicant.

versus

State of Maharashtra ..Respondent.

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Mr. D.B. Shukla for the Applicant.

Mrs. A.A. Mane, Addl. P.P. for the State.

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**CORAM : A.S. GADKARI, J.**  
**(VACATION COURT)**

**20<sup>th</sup> May 2015.**

**P.C. :**

The Applicant is apprehending arrest in C.R. No. I-79 of 2015 registered at Shanti Nagar Police Station, Bhiwandi under Sections 326, 341, 323 read with Section 34 of the Indian Penal Code. The record discloses that subsequently the police have added Section 307 to the aforesaid crime. It is the case of the complainant that after he attended the Court at Bhiwandi and when he was about to alight from his car, the Applicant along with other co-accused forcibly took him out. It is further the case of the complainant that the Applicant gave a blow on his neck with knife.

2. The learned APP has produced for my perusal the Medical Certificate issued by Indira Gandhi Memorial Hospital which shows that there is a cut injury on the neck of the complainant and the surgeon has opined it as a grievous injury, caused within 24 hours from the

time of examination. The impugned order dated 7<sup>th</sup> May, 2015 further discloses the fact that as and by way of interim relief the Trial Court had directed the Applicant to attend the police station at Bhiwandi. However, except attending the police station on 27<sup>th</sup> July, 2015, the Applicant did not attend the police station and has failed to co-operate with the investigating agency. The learned Trial Court has therefore held that on that count alone, the Applicant cannot be granted anticipatory bail.

3. I have perused the record produced before me. It appears from the contents of the F.I.R. that the Applicant has assaulted the complainant by means of a sharp edge weapon on his neck. Though the Trial Court has granted him interim protection, the Applicant failed to abide the conditions of the same and in fact violated the orders passed by the Trial Court. There is more than prima facie case against the Applicant which requires to be investigated thoroughly. Apart from the said fact the custody of the Applicant is necessary for recovery of the weapon used in the present crime. In view of the above, I am not inclined to grant anticipatory bail to the Applicant. The Application is, therefore, rejected.

**(A.S. Gadkari, J.)**