

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 509 of 2015
[Ejaz Khan son of Rahim Khan Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.J. Mirza, Adv., for the Applicant.
Mr. Anil Laddhad, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 23rd October, 2015.

Heard Mr. R.J. Mirza, learned counsel for the applicant and learned APP Mr. Anil Laddhad for the respondent-State.

By the present application, the applicant is seeking anticipatory bail since he is apprehending his arrest in connection with Crime No. 208/15 registered with Police Station, Murtizapur, Distt. Akola, for the offences punishable under Sections 326, 324 and 504 read with Section 34 of Indian Penal Code.

The Investigating Officer has also filed a detailed reply before this Court. The First Information Report is lodged by Ibrahim who himself is an injured. From the

reply, it is clear that the specific accusations are made against Sheikh Azaharullah. According to the prosecution case, the said co-accused has given chopper and iron rod blows on the heads of the first informant and Mohammad Sohail. The injuries shown in the Injury Certificate, which is available in the investigation papers, correspond with the said weapons.

The name of the present applicant was not mentioned in the First Information Report. The name of the present applicant has cropped up in the prosecution case after a period of eleven days.

Worth to mention that in respect of the same incident dated 14th August, 2015, a counter-FIR is also lodged by the co-accused Azaharullah against Ibrahim, and in the said FIR, the present applicant is stated to be one of the witnesses.

Learned APP has fairly submitted that there are no specific accusations against the present applicant. Learned APP further submitted that the only role attributed against the present applicant is that he has given a blow on the right leg of Imbrahim. However, the Injury Certificate does not show any such injury on the leg of Ibrahim. In that view of the matter, the present applicant is entitled for the protection as envisaged under Section 438, Criminal Procedure Code:-

ORDER

[a] Criminal Application [ABA] No. 509 of 2015 is allowed.

[b] In the event of his arrest in connection with Crime No. 208/2015 registered with Police Station, Murtizapur, Distt. Akola, for the offences punishable under Sections 326, 324 and 504 read with Section 34 of Indian Penal Code, the Applicant – Ejaz Khan son of Rahim Khan be released on bail on he executing a Personal Bond of Rs. 20,000/- [rupees twenty thousand only] with one solvent surety in the like amount.

[c] That the applicant shall attend the Police Station once in a fortnight on first and second Sunday of every month till filing of charge-sheet. He shall be in the Police Station between 2.00 p.m., and 5.00 p.m.,

With this, the application is allowed and disposed of.

Judge

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