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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4127 OF 2016

Abdul Sattar Abdul Hamid,
Age: 35 years, Occu: Business,
R/o. Near Jama Masjid, At Post
Taluka Nandurbar,
Dist. Nandurbar ..APPLICANT

VERSUS

The State of Maharashtra,
Through Nandurbar Police Station,
Tq. & Dist. Nandurbar ..RESPONDENT

Mr Gulam Mujtaba, Advocate h/f Mr Zia Ul Mustafa,
Advocate for applicant;
Ms R. P. Gaur, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th August, 2016

ORDER :

The applicant is seeking release on pre-arrest bail, in connection with Crime No. 91 of 2016, registered with Nandurbar (City) Police Station, Dist. Nandurbar, for the offences punishable under Sections 307, 143, 147, 149, 323, 504, 506 of the Indian Penal Code.

(2)

2. The case of the prosecution as against the applicant appears to be that one Shafi Amil Mulla Inamdar was assaulted by the applicant with an iron rod alongwith other co-accused persons.

3. Two accused persons are already released on regular bail.

4. so far as the applicant is concerned, Mr Gulam Mujtaba, learned Counsel for the applicant would urge that custodial interrogation of the applicant is not necessary as during the investigation, the iron rod used in the commission of crime in question, is recovered from the applicant. He would then urge that the alleged story as is narrated in the first information report is unbelievable and this Court should infer that the custodial interrogation in view of above, is not required.

(3)

5. Learned A.P.P., while opposing the application submits that the applicant is booked for offence under section 307 of the Indian Penal Code, which is punishable with imprisonment for life. She would then submit that there is sufficient material on record to infer that the applicant is prima facie involved in the crime in question and would invite attention of this Court to the medical documents depicting the injury suffered by the complainant on his shoulder and temporal region.

6. According to her, there is eye-witness to the incident i.e. Abdulla, as such, the application be rejected.

7. Perusal of the investigation papers and other material, depicts prima facie involvement of the applicant in the crime in question. The rod used in the commission of the crime is already recovered from the applicant.

(4)

8. Looking to the nature of the injury suffered by the complainant, an offence is made punishable with imprisonment for life under Section 307 of the Indian Penal Code.

9. In view of above, as there is prima facie involvement of the applicant in the crime in question, the application stands rejected.

(N.W. SAMBRE, J.)

Tupe