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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.971 OF 2016

Aadam Hajrat Shaikh	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Priyal G.Sarda for the applicant.

Mr.Deepak Thakarey, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 20TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.106/2016 for the offences punishable under section 307, 326, 143, 147, 148, 149, 341, 504, 325 and 506 read with 34 of the Indian Penal Code registered with Mandrup Police Station, by this application is seeking pre-arrest bail.

2. The learned counsel for the applicant argued that the allegation is to the effect that though there was an assault by means of an iron rod on the victim, no corresponding injury was seen on the back of the injured informant. He further

argued that the F.I.R. is belated. The informant had not suffered serious injuries. The F.I.R. shows that rod was left on the spot. The learned Sessions Judge had noted that the same is yet to be recovered. As against this, the learned APP argued that offence is serious and no case is for anticipatory bail is made out.

3. The applicant is named by the injured informant in the F.I.R. itself. It is alleged that he was assaulted by accused persons by means of satur, iron rod and sticks. The role attributed to the present applicant is that he had beaten the injured by means of iron rod on his back.

4. Perusal of the F.I.R. goes to show that the informant was unconscious and he lodged the F.I.R. while being admitted in the Government Hospital at Mandrup, Solapur on regaining consciousness.

5. Perusal of the injury certificate goes to show that prima facie injuries suffered by the informant were serious. Multiple abrasions were seen over the back of the injured. The F.I.R. itself goes to show that unlawful assembly was

formed by the accused persons, including the applicant. As such, the individual act of members of that unlawful assembly becomes irrelevant. The investigation is still going on and this is not a fit case to grant anticipatory bail to the applicant. Therefore, the order.

The application is rejected.

(A.M.BADAR, J.)