

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1104 OF 2016

Hussain @ Dabbu Yamin Shaikh ... Applicant.
V/s.
The State of Maharashtra & Anr. ... Respondents.

Mr. Balwant V. Salunkhe i/by Subhash Hulyalkar, Advocate for the Applicant.

Mr. Deepak Thakery, A.P.P. for the Respondent- State.

**CORAM : A. M. BADAR, J.
DATE : 01st JULY, 2016**

P.C. :

1 The applicant/accused in Crime No. 77 of 2016 for the offences punishable under sections 326, 323, 143, 147, 148 and 149 of the Indian Penal Code and under section 4 r/w. 25 of Arms Act, registered with Dehuroad Police Station, Pune (Rural), Dist. Pune, by this application under section 438 of the Criminal Procedure Code, is praying for pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused. By taking me through the FIR lodged by injured victim - Shaym Shinde, he argued that no overact is attributed to the present applicant. Learned counsel for the applicant emphasized that FIR shows that the present applicant was to give blow of sword, whereas the co-accused was

attempted to give blow of Koyta to the victim and the injuries were caused to the hands of the victim.

3 By pointing out the order dated 16.04.2016 passed by the learned JMFC, Vadgao Maval, the learned counsel for the applicant/accused further argued that two of the accused persons including co-accused Guddu, who was holding Koyta in the incident, are already released on bail. He further argued that major portion of the investigation is over and therefore, custodial interrogation of the present applicant is not necessary.

4 I have heard the learned APP for the State.

5 Perusal of the FIR itself goes to show that accused persons have formed unlawful assembly and indulged in rioting. The present applicant was one of the member of that unlawful assembly and he was holding sword. FIR itself shows that there is blow by a sharp edged weapon with such a force that when the informant attempted to ward-off that blow his finger has been severed.

6 Considering the nature of the evidence and the injury suffered by the informant, as revealed from the FIR itself, no case for pre-arrest bail is made out.

7 In the result, the anticipatory bail application is rejected.

(A. M. BADAR, J.)