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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1127 OF 2016**

Salim Abdul Hakim Shaikh	...Applicant
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.Bhavesb Thakur i/b Mr.Sushrut Jadhwar, for the Applicant

Mr.S.H.Yaday, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th JULY, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.144 of 2016 registered with the Tilak Nagar Police Station, Mumbai for the alleged offences punishable under Sections 326, 323, 365, 506 r/w 34 of the Indian Penal Code.
3. The incident has taken place on 2nd May, 2016. According to the complainant – injured, the present applicant along with two other compelled him to sit in a car, after which the present applicant assaulted

him on his head with a knife like weapon and co-accused – Darpan assaulted him with a knife like weapon on his chest. After assault the complainant was thrown from the car, after which he lost his consciousness. He has stated that 2 persons saw him and admitted him to Rajawadi Hospital.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case on account of a previous dispute. He submitted that the applicant was not present at the spot at the time of the alleged incident and that the CDR records if collected by the police will reveal the said fact.

5. Learned APP opposed the application. He submitted that the applicant has been attributed a specific role and that there are two eye-witnesses, whose statements have been recorded in which they have specifically named the applicant having assaulted the complainant.

6. Perused the papers. The applicant is alleged to have assaulted the complainant with a knife like weapon on his head. The injury certificate

shows that the complainant had received an injury on his head. The said incident has also been witnessed by the eye witnesses, who have named the applicant and have stated that the applicant had assaulted the complainant.

7. Considering the material on record, this is not a fit case to grant pre-arrest bail to the applicant.

8. Hence, the Application for anticipatory bail is rejected and disposed of as such.

9. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.