

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1242 OF 2016

Irfan Akeel Shaikh	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Rajeshchandra M. Kanojiya, for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 25th JULY, 2016.

P.C. :

1. The applicant/accused, in Crime No.I-112 of 2016, registered with Igatpuri Police Station, under Section 307, 325, 324, 353, 143, 147, 148, 149 of the Indian Penal Code and under Section 37(1)(3), 135 of the Bombay Police Act and under Section 4/25 of the Arms Act, by this application is praying for pre-arrest bail.

2. Heard the learned counsel for the applicant/accused. He argued that no role is attributed to the applicant in the crime in question. He further argued that papers of investigation show that recovery is already effected. The learned counsel further submitted that there is cross complaint by the applicant. The custodial interrogation of the

applicant is, therefore, not warranted.

3. Perusal of the F.I.R. lodged by Ashfaq Shaikh on 15.6.2016, goes to show that on 15.6.2016 at the time of Namaj, there was some dispute as his nephew a little child Saif gave push to Harun Ghoshi. According to informant, he and his nephew Saif Shaikh attempted to resolve the dispute. At that time, according to informant, Rafique Shaikh, Riyaj Gafur Shaikh, Harun Ahmed Shaikh, Irfan Khalil Shaikh, Shabab Riyaj Shaikh assaulted them by means of stones, Koyta, iron rods and sticks. In the F.I.R, it is averred that Saif Shaikh has suffered injuries on his head, limbs whereas the informant had suffered injuries on his head. It is also averred that his brother Sojit also injured and his teeth were broken.

4. A bare perusal of the F.I.R. goes to show that by forming unlawful assembly, applicant and co-accused assaulted the informant and his relatives by means of stone, koyta, iron rod and sticks. Considering the weapons used in the offence and seat of injuries the applicant is not entitled to pre-arrest bail. Application is, therefore, rejected.

[A. M. BADAR, J.]