

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

**ANTICIPATORY BAIL APPLICATION NO. 1355 OF
2016**

Mr. Arif Abdul Kuddus Kazi & Ors..... Applicants

Vs.

The State of Maharashtra Respondent

Mr. Dinesh Tiwari i/by Dinesh Tiwari & Associates, for the Applicants.

Smt. J.S. Lohokare, APP for the State.

Coram : N.W. SAMBRE, J.

Date : 19th December, 2016

P.C.

1 The applicants are seeking pre-arrest bail in Crime No. 38 of 2016, registered with Shantinagar Police Station, for the offences punishable under Sections 307, 326, 324, 141, 147, 148, 149, 120(B) of Indian Penal Code read with Sections 3 and 7 of the Criminal Law Amendment Act.

2 The learned counsel for the applicants has raised the ground of parity apart from filing of charge-sheet. According to

him, the custodial interrogation is not required as the weapons used in the crime have already been recovered. He would then invite my attention to the cross complaint being Crime No. 39 of 2016 lodged against the group of the complainant.

3 Perused the investigation papers.

4 There is sufficient material to connect the present applicant particularly about their prima facie involvement in the crime in question. After the incident took place on 3rd February, 2016, the applicants avoided the investigation agency for last 10 months and were waiting for filing of the charge-sheet, which according to them is the basis of seeking pre-arrest bail.

5 Even if presuming that the applicants are the owners of a piece of plot in relation to which the crime took place, in my opinion, that does not give liver to the applicant to get involved in the serious crime like one in question. There is sufficient material to infer prima facie involvement of the applicant in the crime. Hence, the application is rejected.

(N.W. SAMBRE, J.)