

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

ANTICIPATORY BAIL APPLICATION NO. 2013 OF 2016

Mr. Shahnawaz Hussain Shaikh	.. Applicant
Versus	
The Sr. Police Inspector, V.B. Nagar Police Station, Mumbaii & Anr.	.. Respondents

Mr. Mateen Shaikh Advocate for the Applicant.
Mr. N.B. Patil, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 22nd NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.220 of 2016 for the offences punishable under sections 307, 323, 506(2), 504, r/w. 34 of the I.P.C.

2 The accused submits that the applicant has hardly any active role or participation in the commission of the crime in question and would invite my attention to the contents of the F.I.R. for the said purpose.

3 He would then submits that against complainant in the present crime, there is crime registered being Crime No.223 of 2016 for the offences punishable under sections 323, 324, 504 r/w. 34 of the I.P.C. In view of counter F.I.R., the false implication of the applicant cannot be ruled out. According to him, there are no criminal antecedents and the applicant

is very much available for the investigation. He would also invite my attention to the contents of F.I.R. in Crime No.223 of 2016 so as to canvass that it is original complainant who has provoked the applicant in the matter of commission of crime in question.

4 While opposing the bail, the learned A.P.P. submits that there is a strong prima facie case against the applicant as he has actively participated in the crime in question.

5 Perused the papers. It is reflected there from that the applicant is specifically named as accomplice of main accused Sufiyan, who is informed to have been released on regular bail, however, applicant along with said Sufiyan has actively participated in the crime in question. After Sufiyan assaulted the Ibrahim, the present applicant assaulted Ibrahim and complainant with fist blows and used filthy language. As a consequence thereof Section 34 is invoked against the applicant.

6 There is specific role attributed to the applicant in the crime in question.

7 In view thereof, in my opinion no case for grant of pre-arrest bail is made out. Application is rejected.

(N.W. SAMBRE, J.)