

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1963 OF 2015

Abdul Razzaq Nasir Shaikh and ors.

..Applicants.

vs.

The State of Maharashtra.

..Respondent.

Mr. Solkar Mohd. Amin Haroon for the Applicant.

Ms.S.S.Kaushik, APP. for the State.

Mr. A.B.Shedge, PSI, Meghwadi Police Station present in court.

CORAM : A.S.GADKARI, J.

DATE : 04th January, 2016

P.C.

The applicants are apprehending arrest in CR No.369/2015 registered with Meghwadi Police Station dated 9.12.2015 under Section 141,142,144,147,146,149,324,326,504, 323 of the I.P.C.

2) The complainant Smt. Gulshan Siddiqui has lodged the FIR dated 9.12.2015 alleging that the applicant No.3 Akbar Bagli @ Abbu and his other associates were standing near Moin Grocery Shop. When the complainant along with her family members were returning after attending religious ceremony at about 11.45 p.m. the applicant No.3 initially abused the husband of the complainant and thereafter the applicants stated beating the husband and other

family members of the complainant. The applicant No.3 gave a blow with the knife on the hand of the complainant. The applicant No.1 Abdul Razzak gave a blow with knife on the head of the brother-in-law of the complainant. The applicant No.2-Imtiyaz gave a blow with knife (weapon like suri) on the back of the sister in law of the complainant namely Sayeeda. In the premise the said FIR is lodged.

3) Mr. Solkar learned counsel appearing for the applicant submitted that in the present incident there is a cross complaint filed by the applicants. The applicants were also beaten up by the side of the complainant herein. He further submitted that the applicants were residing in the said area for more than 20 years. That, the custodial interrogation of the applicants is not necessary as there is nothing to recover at their end. He lastly contended that the applicants are ready and willing to co-operate with the investigating agency, if released on the pre arrest bail.

4) I have perused the first information report and the documents pertaining to the investigation. The statement of the complainant is duly corroborated by the Medico Legal Certificate issued by the hospital. It is to be noted here that the left hand ring finger of the complainant has been cut and to be amputated due to

the assault by the applicants. As far as injuries caused to the other persons, are concerned, the same are also duly corroborated by the medical evidence which is on record. In my considered opinion, the weapons which were used and the clothes which were on the person of the applicants in the present crime are necessary to be recovered and the same is not possible unless the applicants are taken into custody. After taking into consideration the evidence on record, in my opinion, this is not a fit case for grant of pre-arrest bail to the applicants.

4) Application is accordingly rejected.

(A.S. GADKARI, J.)