

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No. 752 of 2016

Sk Ashpak v. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. P. Kariya, Advocate for applicant
Shri A. V. Palshikar, APP for respondent-State

Coram : P. N. Deshmukh, J

Dated : December 22, 2016

1. Heard learned counsel for the applicant and learned Additional Public Prosecutor for respondent-State. Perused the case diary made available to me by learned APP.
2. Applicant is seeking bail before arrest in Crime No. 265/2016 registered with Police Station, Achalpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.
3. Learned counsel for the applicant contends that he is involved in the crime due to strained relations with the complainant. According to him, on the very same day, Sheikh Rashid (father-in-law) of the applicant had lodged report against Sheikh Rafique and because of that report, present applicant has also been implicated in the crime. He contends that no specific role is attributed to the applicant as compared with the role attributed to the co-accused out of whom two are stated to be released on bail by the learned Sessions Court.
4. It is seen that names of two accused are mentioned in the FIR while one is shown as absconding accused. Name of the applicant is not shown in the report. From the statement of injured on the basis of which offence came to be registered,

it is stated that one person who was accompanying the applicant, was holding stick in his hand and he started beating the complainant by fists and kicks. It is further alleged that the person in the company of applicant also beat the complainant by stick and that applicant gave him kick blow due to which he fell on country tiles and thereafter in the court-yard.

5. I have perused the injury report. Complainant is said to have received two lacerated wounds with contusion and is suspected to have fracture of finger. There is no X-Ray Report on record. It is clearly seen from the statements available on record that assault by stick is not attributed to the applicant. It is also pertinent to note that the complainant was discharged on the same day.

6. In the facts and circumstances of the case, interim bail granted in favour of the applicant vide order dated 21.11.2016 deserves to be confirmed. Hence, the following order.

7. Interim bail granted to the applicant on 21.11.2016 is hereby confirmed on the same terms and conditions with further direction to the applicant to attend the Investigating officer as and when called by the Investigating Officer till filing of the charge-sheet. Application stands disposed of accordingly.

JUDGE

joshi