

Anand

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

ANTICIPATORY BAIL APPLICATION NO.713 OF 2017

Wajid A. Rajak Salar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms Kshitija Moreshwar, Advocate, for the Applicant

Mr.Prashant Jadhav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his pre-arrest bail in connection with C.R.No.557 of 2016 registered with the M.I.D.C.Police Station, Solapur, for the alleged offences punishable under Sections 307, 327, 324, 504, 506, 427, 120B, 143, 147, 148, 149 of the Indian Penal Code, under Section 4(25) of the Indian Arms Act, under Section 135 of the Bombay Police Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case.

4. Learned APP opposes the Bail Application.

5. Perused the papers.

6. It appears that the alleged incident took place on 04.11.2016 at about 8.30 a.m. and the second incident took place at about 9.30 p.m. in the hospital, where the Complainant was admitted. Separate C.Rs. were lodged in both the incidents. As far as the incident that took place at about 8.30 a.m. is concerned, there are eye witnesses who have named the Applicant. They have stated that the Applicant had come to the spot alongwith other co-accused. It is stated that the Applicant and other accused were armed with iron rods and sticks and that they assaulted Sarafraj Jahagirdar, Imran and others. There are eye witnesses i. e. (i) Kadir Jahagirdar, (ii) Sayed Jahagirdar & (iii) Imran alias Naushad Hussain. The injured witnesses have specifically named the Applicant, as being present at the spot of the incident and of having assaulting the injured. The Applicant has been absconding since 2016. The Applicant has antecedents, inasmuch as, there are four similar cases registered against him.

7. Considering the material on record, this is not a fit

case to grant pre-arrest bail to the Applicant.

8. Accordingly, the Application is rejected.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)