

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

**CRI. ANTICIPATORY BAIL APPLICATION NO.915 OF 2017**

Nasim Naimuddin Miya .. Applicant

***Vs.***

The State of Maharashtra .. Respondent

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Mr. Santosh Sonawane, Advocate for the Applicant.  
Mr. Deepak Thakare, APP for the Respondent – State.  
Mr. S. B. Patil, Advocate for the Intervenor.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : JUNE 9, 2017.**

**P.C. :**

The applicant is seeking anticipatory bail in connection with C.R.No. I-113 of 2017 registered with Kolsewadi Police Station, Kalyan, District-Thane for the offences punishable under Sections 395, 325 and 323 of the IPC.

2           The prosecution case is that there was enmity between the complainant and the applicant and on the earlier point of time N.C. complaint was lodged against the complainant. It is further alleged that on 27<sup>th</sup> March, 2017, the complainant and his wife were proceeding by motorcycle. At that time, they were accosted by accused persons and they were assaulted by

using iron pipe and chopper. It is alleged that the applicant had handed over the said weapons to the assailants and ran away from the place of incident. It is, therefore, the case of the prosecution that at the instance of the applicant, the complainant and his wife were arrested. Learned advocate for the applicant submitted that he has been falsely implicated in this case on account of enmity. He further submitted that custodial interrogation of applicant is not necessary and he is willing to co-operate with the investigation.

3            Learned APP submits that the applicant has been named in the FIR. He further submitted that the statement of the injured persons i.e. the wife of the complainant was recorded and she has involved the present applicant. He also pointed out the injury certificate of the complainant and his wife which reflects the injury on their person which corroborates the prosecution case.

4            Taking into consideration the facts of the role assigned to the applicant and the fact that the complainant and his wife were assaulted by the accused persons, I am not inclined to grant bail to the applicant.

5 Hence, I pass the following order:

**:: ORDER ::**

- (i) Criminal Anticipatory Bail Application No.915  
of 2017 is rejected;

**(PRAKASH D. NAIK, J.)**