

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1032 OF 2017

Nisar Ahmed S/o. Kallan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.M.N.Sandhyanshiv, Advocate, for the Applicant

Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-102 of 2016 registered with the Pawarwadi Police Station, District – Nasik, for the alleged offence punishable under Section 302 r/w. 34 of the Indian Penal Code.

3. Learned Counsel for the Applicant states that the Applicant has not been named in the FIR. He submits that the Applicant was very much available, however, the police did not arrest him. He further submits that charge-sheet has been filed as against the other accused and that the Applicant has been shown as absconding, in the said charge-sheet.

4. Perused the papers. No doubt, the Applicant has not been named in the FIR, however, it is pertinent to note, that the Complainant is neither an injured nor an eye witness to the incident. The injured - Umar Farooque Mumtaz Ahemad has in his statement specifically named the Applicant, as being one of the assailants. He has also attributed motive to the Applicant. He has stated that the incident took place on 13.11.2016 at about 8.30 p.m. He has specifically named the Applicant and others having assaulted him with weapons i.e. with knife and sword. He has stated because of the grievous injuries sustained by him, he became unconscious. A perusal of the Injury Certificate of the Injured - Umar shows that he has sustained injuries on his parietal region, wrist joint, both ankle joint and a stab wound over left hypochondriac region of abdomen with bowel loops pointing out through the wound.

5. Considering the material on record, as against the Applicant, this is not a fit case to grant pre-arrest bail to the Applicant. Accordingly, the Application stands rejected and disposed of as such.

6. It is made clear that the observations made herein

are prima facie for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)