Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1741 OF 2016

Yusuf Mohd. Asif Khan and anr. ...Applicants.
vs.
The State of Maharashtra. ...Respondent.

Office Notes, Office Memorandam of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Satish Manaeshinde along with Ms. Laxmi Raman for the Applicants.
Mr.A. Patil, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 27th March, 2017

P.C.

1) The applicants are apprehending arrest in CR No.418 of 2015 dated 27.11.2015 registered with Byculla Police Station, Mumbai under Sections 307, 306, 324, 323, 332, 353, 144,145,147, 148,149, 504 of the Indian Penal Code.

2) The first information report is lodged by Mohammed Irfan Choudhary. It is stated in the said report that the cousin brother of the complainant namely Farhan was signing songs on the road in front of the house when the co-accused Moin Yusuf objected to the same which resulted into altercations. The mother of the complainant lodged NC. No.2573/2015 for the said incident against the Moin Khan. At about 7.45 p.m. when the complainant was

sitting with his relatives Iliyas and Ijahar. They heard commotion near Salman Apartment and when they rushed to the spot they noticed that co accused Moin Khan was assaulting Farhan with iron rod. The witnesses also noticed that the applicants were also assaulting Farhan with the weapons which were in their hands. It is further stated that the witnesses namely Arfaz and Fardin also received the injuries when they tried to rescue the said fight. In the premise, the said first information report is lodged. After completion of investigation the police have submitted the charge sheet.

3) The record reveals that the victim Farhan and other witnesses have suffered serous injuries. Two tooth of Farhan are also broken. The injured witness namely Fardin Khan has categorically stated that Applicant No.1 Yusuf was having knife in his hand and was assaulting Farhan with the same. The Medical Certificate of the injured witnesses issued by the hospital supports the version of the prosecution. The record further reveals that during the course of investigation the applicants were not available for investigation and are not traceable. As stated earlier, specific role has been attributed to the applicants along with weapons which they were holding in the commission of the present crime.

4) Taking into consideration the serious allegations against the applicants, the gravity of the offence, the grievous injuries suffered by the victims and the need for

custodial interrogation of the applicants for recovery of the weapons used by them in the present crime, I am of the considered view that this is not a fit case for grant of pre-arrest bail.

5) Application is accordingly, rejected.

(A.S.GADKARI, J.)