

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

ANTICIPATORY BAIL APPLICATION NO. 1846 OF 2017

Irshad Altaf Bagwan

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Anand Patil for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 01st NOVEMBER, 2017

P.C.:

. This is an Application under Section 438 of the Cr.P.C. for pre-arrest bail in C.R. No. 324/2017 dated 28.09.2017 registered with Rajarampuri Police Station, Kolhapur for the offences punishable under Section 307, 363, 143, 147, 148, 149, 504, 506 of Indian Penal Code.

2. The First Informant Report is lodged by Shri Imran Maner on 28.09..2017 for an incident which took place on 27.09.2017 between 11.30 a.m. to 12.00 Noon. It is alleged that due to the disputes arising out of the elections of Muslim Boarding, the Applicant along with other accused persons assaulted the First Informant with sword and sickle.

3. The learned counsel appearing for the Applicant submitted that the weapon used in the present crime i.e. sword has already been recovered by the

police from the co-accused. He further submitted that one Smt. Shakira Bagwan, a person from his group had earlier lodged First Informant Report No. 211/2017 dated 27.09.2017 with the Laxmipuri Police Station, Kolhapur for the offences punishable under Sections 307, 395, 435, 427 of Indian Penal Code against the persons from the group of Informant herein. The present Applicant has been falsely implicated in the crime and may be released on bail.

4. Perused the record, it is the categorical allegation against Applicant that, he assaulted the First Informant with sword on the backside of his head. The medical certificate issued by the Medical Officer attached to Rajshri Chatrapati Sahu Government Medical Hospital duly corroborates the said version. Record further clearly indicates that apart from the injured witnesses, other witnesses corroborate the version of First Informant that the Applicant was present at the scene of the offence and assaulted the First Informant with sword. Undoubtedly, the Applicant shared common intention while committing the present offence.

5. After taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)