

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.308/2017

Wasim @ Bhurya Imam Bhawaniwale

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Karanja,
Tq. Karanja, Distt. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Chande, Advocate for the applicant.
Shri T.A. Mirza, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 11.7.2017.

Heard.

Apprehending arrest in connection with crime registered for the offence punishable under Sections 365, 366, 367, 368 and 341 read with Section 34 of the Indian Penal Code, the applicant has sought pre-arrest bail.

The applicant claims that there has been an affair between the applicant and daughter of complainant and the applicant is falsely implicated.

The application is opposed on the ground that there is ample evidence available with the investigating agency to show the involvement of applicant in commission of crime. The learned A.P.P. has pointed out the statement of Shahin (who was abducted) which *prima facie* supports the investigating agency. It is

submitted that the applicant is a habitual offender, have undergone sentence of 5 years on conviction for the offence punishable under Section 304-II of the Indian Penal Code and is being prosecuted for the offence punishable under Section 379 of the Indian Penal Code and Sections 147, 148, 149, 448, 452, 324, 325 and 506 of the Indian Penal Code.

Though the charge-sheet is filed, considering the facts of the case and the nature of accusations against the applicant, I am not inclined to grant the prayer. The application is **dismissed**.

The applicant has enjoyed interim protection granted by this Court by the order passed on 5th May, 2017.

The applicant shall surrender within 3 days, failing which note of his conduct shall be taken at various stages of the proceedings.

JUDGE