

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 583 OF 2017

(Irfan Khan S/o Pir Mohommed Khan..vs..State of Maharashtra, through
PSO.PS.Shantinagar,Nagpur)

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

Court's or Judge's orders.

Shri R.M.Patwardhan, Advocate for applicant.
Shri R.S.Nayak, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J
DATED : AUGUST 24 , 2017

Heard learned counsel for the applicant and
learned A.P.P. for State-non-applicant.

The present applicant is apprehending his arrest in
connection with Crime No.132/2016, registered with P.S.
Shantinagr, Nagpur, for the offence punishable under Sections
143,147,148,149,294,387,406,504,506(B) of the Indian Penal
Code read with Sections 3 and 25 of the Arms Act .

The learned counsel for applicant submits that
applicant is falsely implicated in this case. It is further his
submission that incident as stated in the F.I.R. never took
place and it is imaginary one. It is his further submission that
other co-accused are arrested and nothing was seized from
them. Therefore, he prays that the applicant may be released
on bail.

Per contra, the learned A.P.P. pointed out to me the
past record of the present applicant. The chart which is filed
alongwith reply on behalf of the State shows that 11 offences
of serious nature are registered against the present applicant

and those are pending for trial. Not only that, on four occasions preventive action was also taken against the present applicant.

The F.I.R. which is lodged by Tausif Ahmad S/o Abdul Wahid shows that on a day of the occurrence the present applicant extended threats and placed deadly weapon mouser on his stomach. However, somehow he ran away from the spot. The submissions of learned counsel for applicant that the incident as stated in the F.I.R. is imaginary cannot be appreciated at the time of deciding the anticipatory bail.

Merely because there is no recovery from other accused persons also cannot be a ground for claiming anticipatory bail especially when in the F.I.R. specific role attributed against the present applicant that he was armed with deadly weapon. Further, from the chart as filed by learned A.P.P. shows that present applicant is hardened criminal. There is always inclination to commit the offence on his part. Hence, application is rejected.

JUDGE