

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

CRIMINAL APPLICATION (ABA) NO.806 OF 2016
(Shoyebullakhan Azharullakhan Patel and another vs. State of Maharashtra)

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

Shri Abhay Sambre, Advocate for applicants.
Shri N.H. Joshi, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 06, 2017

This is an application for grant of anticipatory bail by accused involved in Crime No.113/2016 registered for the offences punishable under Sections 143, 147, 148, 149, 324, 427 and 452 of Indian Penal Code and Sections 4 and 25 of Arms Act.

Shri Sambre, learned Counsel for applicants, submits that there are ten accused involved in this crime, out of which eight accused are released on bail by learned trial Court and no specific role is attributed to either of the applicants. It is, therefore, contended that interim protection granted to applicants be confirmed though charge-sheet is yet to be filed.

Perusal of first information report reveals that general statement is made by complainant naming in all ten accused, that all of them were armed with swords and iron pipes and all the ten accused committed assault on him as well as on Mohammad Imran and Sajidbhai.

In view of the statement in the report as aforesaid, which is too vague, only role attributed to applicants is that they were armed with swords and committed assault while others were armed with iron pipes. Perusal of injury certificates of injured persons reveals that they had sustained injuries by way of swelling on tenderness on abdomen caused to Nadeem and complainant is also certified to have sustained swelling over left wrist and upper back. Considering the nature of injuries sustained and aforesaid facts, application is liable to be allowed.

Interim protection granted to applicants on 14/10/2016 is confirmed. Applicants shall attend Police Station, Akot (Gramin), District Akola, if called, till filing of the charge-sheet and thereafter once in three months pending trial. The criminal application is accordingly allowed.

JUDGE

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