

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.878 OF 2018

Najir Nuruddin Rohile	..Applicant
vs.	
The State of Maharashtra	...Respondent

Mrs. Jyotsna V. Walujkar for Applicant.
Mr. N. B. Patil, APP for Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 26th APRIL, 2018

P.C.:

1. Issue notice. Learned APP waives notice for Respondent-State. Heard learned counsel for applicant. Perused the case diary. It is case of applicant that he is working as auditor posted at Aurangabad and on the day of incident on 18/2/2018 was at his native place for holy and only because of his visit to Mumbai as aforesaid is falsely implicated by complainant. It is further contended that the father of applicant is complainant in case registered under section 304, 504, 506 read with 34 of IPC against complainant Prakash Mali and others in this crime. The said matter was on board of 18/2/2018 of the concerned court for hearing and thus, complainant Prakash Mali was insisting applicant to take this case back and when he refused for the same false report is alleged to have filed against him.

2. Submissions advanced aforesaid cannot be considered in favour of applicant at this stage as this may be his defence at the time of trial. At the stage of considering application for bail applicant's involvement if can be established even prima facie is what is to be considered. Accordingly, perusal of report reveal that on 18/2/2018 at about 7.30 p.m.

complainant was assaulted by applicant in Abhay Nagar locality at Miraj by sword which was carried by him in a gunny bag and in the course of same transaction his associate after throwing chilly powder on the complainant committed assault by bamboo stick on his head due to which he fell down.

3. Contents of report as aforesaid is substantially found corroborated by statement of Wasim, who is witness to the incident as aforesaid and has identified applicant to have committed assault on complainant by sword and stick and his associate on complainant's head by bamboo stick. The case of prosecution is further found substantiated from the injury certificate of complainant according to which he is certified to have sustained grievous injury by sharp object and is also certified to have sustained head injury caused by blunt object. Having considered evidence as aforesaid application for anticipatory bail is rejected.

(P.N. DESHMUKH, J)