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

ANTICIPATORY BAIL APPLICATION NO.1402 OF 2016

Shahzada Yakub Malik @ Sajju Malik

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Siddharth Jha a/w Law Global Advocates for applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th FEBRUARY 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C. for pre-arrest bail in CR No.137 of 2016 dated 9.4.2016 registered with Mulund Police Station under Sections 307, 323, 504, 143, 144, 145, 147, 148, 149 of the Indian Penal Code

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Satyawar Garud. It is stated that due to earlier dispute and enmity between the first informant and the applicant, on the date of incident the applicant along with other accused assaulted the first informant with wooden stick. The

first informant suffered bleeding injury on his head. The first informant was thereafter admitted to Mulund General Hospital and after taking medical aid, he lodged the F.I.R.

4] The learned Counsel for the applicant submitted that, the applicant is the member of a political party and his rivals have falsely implicated him in the present crime. That the Section 307 of the Indian Penal Code cannot be attributed to the present crime, as it is the case of the prosecution that the applicant along with other accused person assaulted the first informant with wooden stick. He submitted that the injury suffered by the first informant cannot be treated as a grievous injury or hurt which is life threatening and therefore the applicant may be protected by pre-arrest bail.

5] The record indicates that the version of the first informant is duly corroborated by the Medical Certificate issued by the hospital. Apart from other injuries suffered by the first informant, he has received injury over parital region on his head and the author of the said injury is applicant herein.

It appears from record that the applicant is a history-sheeter and is involved in 13 other crimes of similar nature. The record further

indicates that, when the applicant was on bail in earlier crime, has committed the present serious offence under Section 307 of the Indian Penal Code.

6] In view of the above and after taking into consideration the serious allegations against the applicant and the gravity of offence, this Court is of the view that he does not deserve to be protected by pre-arrest bail. Application is accordingly rejected.

(A.S.GADKARI, J.)