

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1493 OF 2018**

Mr.Irfan S. Khan

...Applicant

Versus

State of Maharashtra

...Respondent

.....

Ms.Sadhna Kumar for the Applicant.

Mr. M.G. Patil, APP for the Respondent/State.

Mr.Santosh Bodare, API, Shantinagar Police Station, Thane.

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CORAM: PRAKASH D. NAIK, J.

DATED: AUGUST 23, 2018

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No. I 84 of 2017 registered with Shanti Nagar Police Station , Thane for offences under Sections 307, 324, 504 and 506 of the Indian Penal Code as well as under Sections 3 and 7 of the Criminal Amendment Act.

2. The case of the prosecution is that the applicant had assaulted the injured person by knife. The injured had sustained serious injuries. The applicant preferred an application for anticipatory bail before the Sessions Court, which was rejected on 21st August, 2017.

3. The present application is preferred after a period of about one year from the date of rejection of the said application.

4. The learned counsel for the applicant submits that the applicant is falsely implicated in the case. After reading the first information report as it is, the offence under Section 307 of the Indian Penal Code is not made out. The custodial interrogation of the applicant is not necessary.

5. Learned APP submits that the applicant was absconding. There are statements of the witnesses which show the involvement of the applicant. The injury certificate indicates that the injured had sustained injuries on his body. The applicant is having criminal antecedents. Five cases were registered against him. Out of which, four cases are registered with Shantinagar Police Station, Thane and one case is registered with Amalner Police Station, Jalgaon.

6. I have perused the first information report and the other documents. The Sessions Court had rejected the application for

anticipatory bail on 21st August, 2017. The applicant had preferred the present application after a period of about one year. According to the prosecution, the applicant was absconding. The injured person had sustained injuries in the nature of CLW on scalp region and other parts of the body. The Investigating Officer has recorded the statement of the witness which supports the prosecution case. The applicant is having criminal antecedents.

7. The learned counsel for the applicant further submits that in two cases, the applicant has been acquitted.

8. Taking into consideration the aforesaid circumstances and the submissions, the charge under Section 307 of the Indian Penal Code is not made out and can be considered at the time of the trial.

9. No case is made out for grant of anticipatory bail.

10. Anticipatory Bail Application stands rejected.

(PRAKASH D. NAIK, J.)