

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1500 OF 2018

Mr. Mohd. Wasim Afasal Khan and ors.

vs.

The State of Maharashtra and ors.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rishi Bhuta i/by Ashish Dubey for the Applicants.

Mr. Raghavendra N. for the Complainant.

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

CORAM : A.S. GADKARI, J.

DATE : 31st July, 2018

P.C.

1. This is an application under Section 438 of the Cr.P.C. for pre-arrest bail in CR No.404 of 2018 dated 29.6.2018 registered with Sakinaka Police Station, Mumbai under Sections 367, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicants and the learned APP. Perused the record of investigation.

3. The first information report is lodged by Shri. Toufik Shaikh. It is alleged that, due to earlier enmity between

the first informant and the applicants herein, on 29.6.2018 at about 00.30a.m. when the informant was proceeding towards the police station from an auto rickshaw, the applicants way laid the said auto rickshaw and thereafter abducted the informant from an Innova car and assaulted him. It is stated that the informant suffered fracture to his left shoulder. In the premise, the first information report is lodged.

4. The learned counsel for the applicant submitted that on earlier occasion the first informant had assaulted the applicant No.1 and therefore, in that premise the version narrated by the first informant appears to be exaggerated. He further submitted that the said incident took place near the police station and it is impossible that, the people in the vicinity did not hear the shouts of the informant. He therefore, prayed that the applicants may be granted pre-arrest bail.

5. Perusal of the record of investigation would indicate that, Medical Certificate issued in favour of the first informant duly corroborates the version of fracture of

clavicle mid shaft of the informant. The informant has assigned specific and categorical role to the applicants in the crime. The investigation in the present crime is at nascent stage and the police are yet to recover the vehicle used in the present crime.

6. In view of the above and after taking into consideration the serious allegations against the applicants and the gravity of the offence, this Court is of the view that, the applicants do not deserve to be protected by pre-arrest bail.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)