

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1805 OF 2018

Bablu Welder @ Israrali Faiyyazali

Siddiqui and anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.Vijay Dhananjay Upadyay for the applicant.

Mr.Y.M. Nakhawa, APP for the respondent/State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER 2018

P.C. :

1. This is an application for anticipatory bail in connection with CR No.527 of 2018 registered with Malvani Police Station for the offence punishable under Sections 326, 323, 504 and 506II read with Section 34 of the Indian Penal Code.

2. The prosecution case is that on the date of incident, the complainant had approached applicant no.2 to question him as to why he has assaulted his brother-in-law. The complainant was present with his brother-in-law Monish. The complainant told

applicant no.2 that he should accompany them to the police station in respect to the earlier incident of assault. All three of them proceeded in the auto-rickshaw. At that time two unknown persons and applicant no.1 came there. The other unknown accused persons assaulted the complainant by wooden log. As a result of which, the complainant has sustained grievous injury on his finger.

3. The learned Counsel appearing for the applicants submits that the complainant had sustained minor injury and he was not even hospitalized for the said injury. It is submitted that FIR do not attribute any act of assault to the present applicants. The applicants are willing to cooperate with the investigation. The custodial interrogation of the applicants are not necessary. It is prayed that the applicants may be granted bail.

4. Per contra, the learned Additional Public Prosecutor submitted that applicant no.2 is the main cause of alleged incident. He has assaulted the brother-in-law of the complainant. He was proceeding with the complainant and other witnesses to the police station, at that time, applicant no.1 came there with unknown persons and the complainant was assaulted by the unknown persons. Applicants names are reflected in the FIR and other unknown persons are absconding and their where about can be found only after custodial interrogation of the applicants. It is

further submitted that there are antecedents against the applicants. Three cases are pending against applicant no.1 and one case is pending against applicant no.2.

5. On the perusal of the FIR, it appears that applicant no.2 had assaulted the brother-in-law of the complainant and therefore he was questioned by the complainant. He was proceeding to the police station alongwith the complainant. At that time the father of the applicant no.2, i.e. applicant no.1 came there alongwith the other unknown persons. The said unknown persons were brought by the applicant no.1. They assaulted the complainant. It is clear that the accused had acted in connivance with each other. Apart from this, there are criminal antecedents against the applicants. Although the injured had sustained injury to his hand which was grievous in nature, the conduct of the applicants and the antecedents do not entitled them relief anticipatory bail. Hence the following order;

:: ORDER ::

Criminal Anticipatory Bail Application is rejected.

Vina
Arvind
Khadpe

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[PRAKASH D. NAIK, J.]