

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA)777/2018

Abdul Bhuru Bisu Pehalwan

Vs.

The State of Maharashtra, through PSO, P.S.Karanja, Dist Washim.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri Gaurav Kathed, Advocate for the applicant.
 Shri Pathan, APP for non applicant-State.

CORAM : M.G.GIRATKAR, J.
DATE : 26.10.2018

Heard Shri Gaurav Kathed, learned counsel for the applicant. Perused the FIR.

Learned counsel for the applicant submitted that the main accused in the crime i.e. Accused No. 3 and 4 already released by the Sessions Court on regular bail. The applicant has not taken any part in committing the offence punishable under Section 307 IPC. As per the allegations, he only beaten the complainant and family members. In support of his submissions, he has pointed out the decision in the case of **Ambadas Kishan Bhagwat & Anr. Vs. State of Maharashtra**, reported in **2015 ALL MR (Cri) 721**.

From the perusal of the judgment in **Ambadas Kishan Bhagwat & Anr. Vs. State of Maharashtra (supra)**, it is seen that it is on different footings. The applicant only given two blows and therefore, the anticipatory bail was granted. In the present case, after causing hurt by weapon like knife, the applicant along with others beaten the complainant and his family members on the spot. They do not stop there. When the complainant taken injured in the house they again entered in the house and beaten the family members including the complainant. Hence, prima facie, common intention is established.

Therefore, the applicant is not entitled for anticipatory bail.

The application is rejected.

JUDGE

Andurkar