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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.244 OF 2019

Salauddin Nizamuddin Abadiraje ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Sachin Deokar I/b. M.S. Mulla for the applicant.

Ms.S.S.Kaushik, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 1, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.943/2018 for offence punishable under sections 307, 324, 143, 147, 148, 149. 323. 504 and 506 of the Indian Penal Code, sections 4 and 25 of the Arms Act and sections 37(1) and 135 of the Bombay Police Act registered with Sadar Bazar police station, Solapur the applicant is seeking pre-arrest bail.

3. The main accused in the crime Ashroddin against

whom there is allegation of use of sword was already arrested on December 10, 2018.

4. So far as the role attributed to the applicant is concerned, the same is use of iron rod in the commission of crime. There are no criminal antecedents and perusal of injury certificate reflects injuries suffered by complainant Abadraje on scalp is certified to be grievous one.

5. The other injuries suffered by the complainant and his son are simple in nature.

6. Apart from above, allegations in the F.I.R. and the role attributed to the applicant is that of assault to the complainant and not to his son Saddam.

7. There also exists a civil dispute and dispute pending in the Family Court. As such, false implication of the applicant can't be ruled out. In view thereof, the following order :-

- i) In the event of arrest in Crime No.943/2018 for offence punishable under sections 307, 324, 143, 147, 148, 149. 323. 504 and 506 of the Indian Penal Code, sections 4 and 25 of the Arms Act and sections 37(1) and 135 of the

Bombay Police Act registered with Sadar Bazar police station, Solapur, the applicant be released on bail on his executing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;

- ii) The applicant shall attend the Investigating officer on 4th, 11th, 13th and 16th February, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed;
- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) The applicant shall co-operate with the investigating agency;
- v) In case it is noticed that the applicant is involved in similar type of offence, liberty to the prosecution to move for cancellation of bail;
- vi) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)