

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

ANTICIPATORY BAIL APPLICATION NO. 1778 OF 2019

Usman Haydarsab Shaikh

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Satyavrat Joshi I/b Mr. Sagar Tambe, Advocate for the Applicant.
- Mr. Rajan Salvi, APP for the State.
- Mr. A. R. Gandhale, Vimantal Police Station, Pune Rural.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 248/19 registered at Vimantal Police Station, Pune Rural for the offences punishable under Sections 326, 341 read with Section 34 of the IPC.

2. The FIR is lodged by one Imran Kazi on 12th June 2019. He has stated that on 10th June 2019, he was returning back from his work. At that time, his foster sister Swapna informed him that his brother Akram was assaulted by the present applicant and others. The informant went to the hospital where Akram was admitted.

Akram informed him that the present applicant and others had assaulted him. On that basis the FIR is lodged.

3. During the investigation statement of Akram is recorded. He has stated that on 10th June 2019 at around 7.00 p.m. while he was coming towards Vimannagar, at around 7.30 p.m. the present applicant and two others stopped him. The applicant was having iron rod. He and others assaulted Akram with Iron rods. One of the accused Mainu Shaikh told him that he was being assaulted because Akram had caused accident, causing fracture to the brother of one of the accused. The said witness Akram was brutally assaulted. His mobile phone was also taken away. Thereafter, he was admitted to the hospital. His statement is supported by the injury certificate, which shows that Akram had suffered fractures at four places. Thus, he had suffered four grievous injuries.

4. Heard, Mr. Satyavrat Joshi, learned counsel for the applicant and Mr. Rajan Salvi, learned APP for the State.

5. Mr. Joshi submitted that the applicant is falsely implicated and there is delay in lodging the FIR.

6. Learned APP relied on the investigation carried out so far.

7. I have considered these submissions. The statement of the injured eye witness is amply supported by the injury certificate. The offence is serious. There were four grievous injuries. Specific role is attributed to the present applicant. His custodial interrogation is necessary. No case is made out for anticipatory bail. Application is rejected.

(SARANG V. KOTWAL, J.)