

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

ANTICIPATORY BAIL APPLICATION NO.362 OF 2020

Abdul Ismail Shaikh	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Jaydeep D. Mane, Advocate for the Applicant.
Mr.S.H. Yadav , APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 11, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.410 of 2019, registered with Valsang Police Station, Solapur Rural, for the offences punishable under Sections 143, 147, 148, 149, 307, 326, 323, 504 and 506 of Indian Penal Code (“IPC”, for short). First Information Report was lodged on 16th November, 2019.

2 According to the complainant, on 14th November, 2019, the complainant and his wife were working at the agricultural field. They were about to return in the village. At that time co-accused Abubakhar called informant near him. He

questioned him as to why did he cut Babhul tree. Informant told that, he had cut down the said tree as it was belonging to him. At that time there were quarrel between the complainant and Abubakar. Abubakhar started abusing the complainant. At that time, on hearing the quarrel, the other family members of Abubakar's family came there. At that time, Adnan Abubakar and Aslam were having wooden sticks in their hands. Abdul Ismail Shaikh (Applicant) was holding axe with wooden handle. All of them abused the complainant. The applicant had allegedly assaulted by blow of axe on his head. FIR was lodged. The applicant had preferred an application for anticipatory bail before the Sessions Court at Solapur, which was rejected by order dated 20th January, 2020.

3 Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. The applicant was not present at the place of incident. The complainant is habitual in filing false complaints. He falsely implicated persons who go against his wishes. The injury certificate do not support the prosecution case. There are no injuries caused by axe. The complainant is goon having antecedents.

4 Learned APP contended that there is evidence against the applicant. The applicant has been attributed role of assaulting the informant/complainant on his head by weapon. There are corresponding injuries on the person of the injured.

5 On perusal of FIR and the other investigation papers, it can be seen that specific overtact has been attributed to the applicant. The injured had sustained eight injuries. Out of which, five injuries are of simple nature and three injuries were grievous nature. The injury certificate also refer to the injuries on parietal occipital region of the injured. Considering the nature of injuries and the role ascribed to the applicant, no case for anticipatory bail is made out.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.362 of 2020, is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)