

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2493 OF 2019

Sultan Adussalam ShaikhApplicant

v/s.

The State of MaharashtraRespondent

Ms. Ansari Nagma Firdus, Advocate for the applicant.

Ms. Rutuja Aambekar, APP for the State.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 29 January, 2020.

P.C. :

1. Heard.

2. Applicant seeks pre-arrest bail in Crime No. 268/2018 registered with Narpoli Police Station for the offences punishable under Sections 307, 323, 326 of the Indian Penal Code.

3. The incident had taken place on 17th June, 2018. Out of eight, six were arrested soon after the incident against whom chargesheet has been filed. Accused no.7 was absconding. However, this Court had granted him anticipatory bail. The present applicant is accused no.8 who was absconding since the date of the incident i.e. for more than a year and a half and therefore the State could not carry out the investigation and file the chargesheet against him.

4. Counsel for the applicant contends that accused no.7 who was allegedly absconding has been granted bail by this Court. Therefore, the submission is, since the role attributed to the applicant no.7 and to this applicant are the same, the present applicant may also be granted bail.

5. I have perused the complaint and the supplementary statement of the injured. Injured had attributed a specific role to the applicant who allegedly stabbed in his back by knife. Though it is submitted that the injuries sustained by the injured were simple in nature, however, the

fact remains, the applicant was not available for interrogation since June, 2018. Prima-facie, he attempted to keep himself away from the process of law. Jurisdiction for granting pre-arrest bail is discretionary and therefore the conduct of the applicant is to be considered while dealing with the prayer for pre-arrest bail. In view of the facts and circumstances of the case, the applicant deserves no pre-arrest bail. The Anticipatory Bail Application is rejected.

6. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)