

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

CRIMINAL APPLICATION (ABA) 95 OF 2020

(Sk. Kayum Sk. Ayub and anr..vs.. State, thr PSO, PS, Buldhana Gramin)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri P.R. Agrawal, counsel for applicant.

Shri S.M. Ghodeswar, Addl. Public Prosecutor for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE:18.02.2020.

The applicants are apprehending arrest in Crime No. 367 of 2019 for offence punishable under section 307 of the Indian Penal Code.

2. The facts which are culled out by the learned Sessions Judge in the order impugned reveal that the accusation is that the applicant had delivered a chopper blow to the head of the informant Nitin Jadhav while the applicant 2 assaulted Nitin's father on the head with knife. Other accused appear to have assaulted Nitin and his father, albeit by fists and blows. It appears, that the other accused are granted anticipatory bail.

3. In so far as the applicants are concerned, their role cannot be compared with the role of the other accused, who are granted anticipatory bail. The investigation is ongoing. The weapons used, are yet to be seized. In this view of the matter, this is not the stage at which discretion

can be exercised in favour of the applicants.

4. The application is rejected.

5. If the applicants voluntarily surrender within 72 hrs, any application for regular bail which may be preferred after the expiry of the PCR, shall be decided on merits, as expeditiously as possible, and in any event within 72 hrs from the date of such application.

Judge

Belkhede RS