

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

ANTICIPATORY BAIL APPLICATION NO. 1160 OF 2021

Khaliquur @ Chand Rehman Mohd. Ismail
Siddque

... Applicant

Versus

The State of Maharashtra

... Respondent

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Ms. Dhanashree M. Lad, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Mr. Dayaram B. Kadam (P.S.I.) Shivaji Nagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MAY, 2021

PER COURT:

1. This is second application for anticipatory bail in C.R. No. 118 of 2021 registered with Shivaji Nagar Police Station, Mumbai for offences under Sections 326, 323, 504 of Indian Penal Code (for short “IPC”).

2. The previous application was heard by this Court and since the Court was not inclined to grant relief the said application was withdrawn. The applicant has now preferred this application on the ground that the applicant has been falsely implicated in this case. He was not present at the place of incident at the relevant time. The applicant was at Mauli Cooperative Housing Society, Mankhurd from

21:56:56 hours to 23.24:45 hours. The incident had allegedly occurred at 11.00 p.m. Thus, the applicant has urged the plea of *Alibi* in this application.

3. Learned APP submitted that previous application was withdrawn since the Court was not inclined to grant relief to the applicant. The plea of *Alibi* cannot be accepted at this stage. The first informant has attributed role to the applicant.

4. The place at which the applicant was allegedly present as per his version is situated at Mankhurd. The place of incident is also situated at Shivaji Nagar, Govandi which is at short distance from the aforesaid place. Considering the factual aspects of this matter, the plea of *Alibi* cannot be accepted at this stage. It will matter of evidence. Hence, I pass the following order:

ORDER

Anticipatory Bail Application No. 1160 of 2021 is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)