

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

Criminal Application (ABA) No. 383/2021

Akshay Anandmohan Ahir
(Named as Akshay Mohan Ahir in FIR)
..VS..
State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.D. Bhate, Advocate for the applicant
Shri A.M. Deshpande, APP for the non-applicant/State
Shri H.R. Gadhia, Advocate for assist to prosecution.

CORAM : VINAY JOSHI, J.

DATED : 20/08/2021

In anticipation of arrest in Crime No. 170/2021, registered at Khamgaon City Police Station, District Buldhana for the offences punishable under Sections 143, 147, 148, 149, 307, 325 and 504 of the Indian Penal Code, the applicant is seeking for pre-arrest bail.

2. It is the prosecution case that the applicant and co-accused have assaulted the informant and others by means of dangerous weapons and as such, attempted to commit his murder. One, Rajendra Ingle has lodged a report regarding the occurrence. It is stated that the informant runs a shop at Khamgaon Bazar. On 27.03.2021, around 02.00 p.m., the applicant and co-accused came to the shop and demanded money for

running shop. At that time, all the assailants, who were holding different kind of weapons, have indiscriminately assaulted the informant and his associates. It is specifically mentioned in the F.I.R. that the applicant Akshay alongwith other named accused were holding weapons like iron rod, wooden rafter and sticks. They assaulted the informant, his son Abhay and two others. It is further mentioned that the applicant Akshay has beanten to Abhay by wooden rafter.

3. I have gone through the statements of injured witnesses who have stated that the applicant was holding iron hammer. By means of which, he assaulted and caused them injuries. The Injury Certificates are also seen. From which, it reveals that Nilesh sustained injury on occipital region and some bleeding injuries were sustained by others. Though, few of the assailants have been obtained pre-arrest bail, however, the case of each applicant has to be decided on its own merits.

4. It is further argued that there were no injuries on the vital part of the body as well as no deadly weapon was used. Always it is a matter of inference to be drawn in trial whether the assailants were intending to cause death or not. Prima facie, there is sufficient material to show that the applicant took active part in the incident. As well as the statements of witnesses directly states about the role of the applicant has assaulted by means of wooden rafter and iron hammer.

5. Having regard to these facts, pre-arrest protection cannot be granted. In that view, following order:

- (a) The application stands rejected.

JUDGE