

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

ANTICIPATORY BAIL APPLICATION NO. 724 OF 2022

Rafique Md. Ishaque Nadaf and Ors. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr. V.V. Gangurde i/b Ujwal Agandsurve for the Applicants.

Mrs. M.R. Tidke, APP for the Respondent/State.

PSI N.D. Rathod, Jail Road Police Station, Solapur.

CORAM : C.V. BHADANG, J.

DATE : 17 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 75 of 2022 registered with Jail Road Police Station, Dist. Solapur under Section 143, 147, 148, 149, 326, 504 and 506 of IPC and Section 135 of the Maharashtra Police Act, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 14.02.2022 lodged by Abrar Shaikh. A perusal of the FIR shows that the Applicants had allegedly assaulted the informant, resulting into injuries being sustained by him.

3. The learned APP has produced the medico legal certificate dated 15.02.2022 of the informant Abrar Shakeel Ahmed Shaikh

which shows multiple injuries including a grievous injury. Thus prima facie, the contention on behalf of the Applicant that there is no grievous injury sustained and therefore, offence under Section 326 of IPC is not made out, cannot be accepted.

4. The learned counsel for the Applicant has strenuously urged that there was a complaint lodged by the Transport Association against the informant and Applicant No.1 has also lodged complaint against the informant on 16.02.2022.

5. In my considered view, it would be too premature to dwell on this aspect. The court is presently concerned with the prayer for pre-arrest bail.

6. The incident of assault cannot be disputed as the informant has sustained multiple injuries out of which injury to the left ear is shown to be grievous injury. The informant has been assaulted in a market yard. At this stage, the proper investigation of the matter is the paramount consideration. No case for grant of pre-arrest bail is made out.

7. The criminal application is rejected.

(C.V. BHADANG, J.)