

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

ANTICIPATORY BAIL APPLICATION NO. 2261 OF 2022

Aliraja Parvez Momin

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vikas Shivarkar for the Applicant.
P.H.Gaikwad, APP for the State.
API Bajirao Naik present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 23rd AUGUST, 2022.**

P.C.

1. This is an application for pre-arrest bail in Crime N.10 of 2022 registered at Shivaji Nagar Police Station, Pune for offences punishable under Section 143, 144, 148, 324, 341, 149 of Indian Penal Code and Section 4, 25 of Arms Act, 1959 and Section 37(1), 37(3) r/w. 135 of Maharashtra Police Act.

2. Heard learned Counsel for the Applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mohd. Shaukat Shaikh. The FIR reveals that on 20.1.2022 the first informant and his son were proceeding towards their residence on motor cycle. He saw a group of persons with faces covered with masks, and

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armed with sharp weapons such as koyta (sickle), knife etc approaching towards him. One of the persons abused him and threatened to cause his death. He identified the said person as Bharat Raju Shinde by his voice. He tried to flee away from the place of incident, but the accused chased his motorcycle and inflicted injury on him by means of sharp weapon. He has stated that he was injured and was taken to Sasoon Hospital for treatment.

4. The complainant has further stated that his brother Hyder, who was at Vishrantwadi, learnt about the incident, and while he was returning home, the applicant herein and other persons assaulted him by sharp weapons. The statement of the injured prima facie reveals that the Applicant was armed with a sword and that he had tried to inflict a blow on his back but when he avoided the blow, the Applicant inflicted another blow and caused injury on his stomach. The statements of other independent witnesses also prima facie reveal that the Applicant was armed with a sword and that he had inflicted injury on Hyder. The medical evidence also prima facie suggests that the injured had sustained injury on the right side of his stomach.

5. The material on record prima facie reveals involvement of the Applicant in committing the said offence. Learned APP has placed on record report indicating that the Applicant herein is involved in four

other crimes of similar nature, including Crime No. 228 of 2006 for offence under Section 307 of IPC.

6. Considering the above facts and circumstances, particularly the nature of accusation and the antecedents of the Applicant, in my considered view, the Applicant is not entitled for pre-arrest bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)