

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (ABA) NO.173 OF 2022

Mohd. Aqueel S/o Mohd. Ishaque and another

Versus

State of Maharashtra, through P.S.O., P.S. City Kotwali, Akola, Tq. & Dist. Akola

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

Court's or Judge's Order

Shri Raheel Mirza, Advocate for the applicants.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 30/03/2022

1. The applicants are seeking pre-arrest bail in Crime No.88 of 2022, dated 01.02.2022, registered with Police Station City Kotwali, District Akola, for the offence punishable under Sections 324 and 307 read with Section 34 of the Indian Penal Code.

2. It is alleged in the First Information Report (FIR) that the accused blow inflicted stab injuries on the abdomen of Mohsin at Janta Bhaji Bazar, Akola and the accused No.1 - Noor was accompanied by two other persons.

3. Shri Mirza, learned counsel for the applicants states that the applicant No.1 has no son named by Noor. It is submitted that the applicants are falsely implicated in the alleged offence. He submits that the incident took place in Janta Bhaji Bazar where the vendors knew the names of the applicants and in spite of the said fact, at the time of registration of FIR, it was registered against one Noor and two unknown persons. He submits that subsequently, the names of the applicants were added. He lastly argues that there are no criminal antecedents to the discredit of the applicants. Whereas, there are criminal

antecedents against the injured. He also states that the age of the applicant No.1 is 65 and said fact may be taken into consideration while considering the request of the applicants for grant of pre-arrest bail.

4. Shri Thakare, learned APP strongly opposes the application and submits that there are three stab injuries found on the body of the injured. It is stated that there are independent eye witnesses who *prima facie* corroborate the case of the prosecution. He therefore, prays for rejection of the present application.

5. I have perused the Case Diary and contents of the FIR.

6. The Investigating Officer has recorded the statement of the injured-Mohsin, who has narrated the incident on the next date of lodgment of the FIR. In the statement of the injured, he has specifically attributed to the role of the applicants. Moreover, there are independent eye witnesses to the alleged incident who have also mentioned the name of the applicants. The Injury Report, corroborates the case of the prosecution that the accused inflicted stab injuries to the Mohsin.

7. Thus, there is sufficient *prima facie* incriminating material available on record and the custodial interrogation is sought in this matter for proper investigation, as the main accused is absconding. In that view of the matter, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]