

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

**CRIMINAL APPLICATION (ABA) NO. 575 OF 2022**

Abdul Fahim @ Langada Abdul Gani **Versus** State of Maharashtra, through P.S.O.,  
PS Gadge Nagar, Amravati.

---

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

---

Court's or Judge's Order

---

Shri A.K.Bhangde, counsel for the applicant.

Shri A.R.Chutke, A.P.P. for the non-applicant/State.

**CORAM : ANIL S. KILOR, J.**  
**DATED : 11/08/2022**

1. The applicant is seeking bail in connection with Crime No. 568 of 2022, dated 20/05/2022, registered with Police Station Officer, PS. Gadge Nagar, Amravati District: Amravati, for the offences punishable under Sections 3, 4 and 25 of the Arms Act, 1959 and Sections 143, 144, 307, 364, 147, 148, 149, 294, 506(2) of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submits that, in this case, offence under Section 307 of the Indian Penal Code, is not made out. Furthermore, there is nothing to show that the applicant was present at the spot. Thus, he submits that, the applicant is falsely implicated in the alleged offence.

3. It is submitted that, the applicant is the handicap person and he is unable to walk without stick and therefore, the allegations made in the FIR and the story of

the prosecution is improbable. Thus, he prays for grant of pre-arrest bail.

4. On the other hand, learned APP strongly opposed the present application and submits that there was a motive as a quarrel had taken place between the applicant and the complainant about 14 days before the alleged incident.

5. He further submits that, the call records and the statement of witnesses show that, though the applicant was not present at the spot of incident however, while the co-accused were taking the complainant in the car, the applicant joined them on the way. Accordingly, he submits that the involvement of the applicant is clear. Hence, he prays for rejection of the present application.

6. I have perused the Case-diary and the FIR.

7. From perusal of the case-diary, it can be seen that there is a statement of the complainant that while the complainant was taking by the accused persons, on the way the applicant joined and he assaulted the applicant by stick. *Prima-facie*, it further appears from the case-diary that, while the accused persons were taking the applicant in the car, they were continuously in contact with the applicant and on his instructions, they took the complainant to a particular spot where the applicant joined.

8. The C.D.R report collected by the Investigating Officer, supports the case of the prosecution,

as far as the calls made by the applicant or the other accused to the applicant.

9. Thus, *prima-facie*, sufficient incriminating material is available on record. As far as the argument of the learned counsel for the applicant is concerned that, the offence under Section 307 of the Indian Penal Code will not attract in this case, the injury report, *prima-facie*, supports the case of the prosecution. In that view of the matter, I am not inclined to grant anticipatory bail in this matter. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]