

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

CRIMINAL APPLICATION (ABA) NO.580 OF 2022

Shaikh Shahrukh S/o Shaikh Rahim .Vs. State of Maharashtra, through P.S.O., P.S.
Gadge Nagar, Dist. Amravati

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

Court's or Judge's Order

Shri R.H. Shaikh, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 18/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.691 of 2022, dated 21.06.2022, registered with Police Station Gadge Nagar, District: Amravati, for the offences punishable under Sections 143, 147, 307, 452, 148, 149 and 336 of the Indian Penal Code and Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The learned counsel for the applicant submits that the name of the applicant doesn't feature in the First Information Report (FIR) and he has been falsely implicated in the alleged offence. He further submits that after granting *ad-interim* anticipatory bail, the applicant attended the concerned Police Station and thereon, the motorcycle was seized from the applicant.

3. The learned counsel for the applicant lastly argues that, three co-accused have been granted regular bail

in this case and accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that there are eye witnesses to the incident who have named the applicant and also attributed the role to the applicant. He submits that the injury report supports the case of the prosecution. Thus, he submits that considering the incriminating material collected by the Investigation Officer (IO), this Court may not grant bail to the applicant.

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

6. During the investigation, the IO has recorded the statements of eye witnesses. The eye witnesses have specifically stated the name of the applicant and also attributed role to him. The offence is very serious and considering the incriminating material available in the case diary, I am of the opinion that this is not a fit case for grant of pre-arrest bail. Furthermore, the custodial interrogation of the applicant is necessary, in this case.

7. The applicant cannot claim parity in this case, as the other co-accused persons were released on regular bail after they were arrested and after the necessary investigation was made. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]