

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

CRIMINAL APPLICATION (ABA) NO.598 OF 2022

(AKARAM SHAH @ BABA SALIM SHAH ..VS.. STATE OF MAH. THR. PSO PS NAGPURI GATE, DIST.
AMRAVATI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.R. Khan, Advocate for Applicant.
Shri V.A. Thakare, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 22, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.369 of 2022, registered with Police Station, Nagpuri Gate, Amravati for the offences punishable under Sections 326, 504, 506 read with Section 34 of the Indian Penal Code (IPC) read with Sections 4 and 25 of the Arms Act.
3. The learned counsel for the applicant submits that the investigation is almost complete and therefore the custody of the applicant is not necessary. It is submitted that two co-accused are already released on bail, accordingly the applicant is claiming parity in this case. He lastly argued that the applicant is falsely implicated in the alleged offence.

4. On the other hand, the learned A.P.P. strongly opposed the application and he submits that during the investigation the Investigating Officer has collected ample incriminating material against the applicant. He further submits that the applicant is the author of the injuries on the person of the complainant and the injury report support the case of the prosecution. Therefore, he submits that the offence is serious and as the sufficient incriminating material is on record therefore, this Court may not grant pre-arrest bail to the applicant.

5. I have perused the case diary and also the First Information Report(FIR).

6. In this case, the injury report support the case of the prosecution. Furthermore, the co-accused who were released on bail, were released on regular bail after their arrest. Further considering the role of the applicant and the other two accused persons, it cannot be said that the applicant is similarly circumstance. In the circumstances, the applicant cannot claim parity in this case.

7. There are criminal antecedents against the applicant relating to offences under Sections 324 or 307 of the IPC.

8. In this case, the allegations are that the applicant inflicted blow by knife.

9. Considering the allegations made in the FIR, the injury report, the incriminating material available on record and the antecedent of the applicant, I am of the opinion that this is not a fit case for grant of pre-arrest bail to the applicant, accordingly I pass the following order :

i) The application is rejected.

JUDGE

Kirtak.