

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

CRIMINAL APPLICATION (ABA) NO.857 OF 2021

Shaikh Abrar Shaikh Nazir and another,

Versus

State of Maharashtra, through P.S.O., Police Station Badnera, Tq. & 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 M.L. Vairagade, Advocate for applicants.

Shri S.A. Ashirgade, A.P.P. for non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 03 MARCH 2022

The applicants are seeking anticipatory bail in Crime No.146 of 2021 registered with Railway Police Station, Badnera for the offences punishable under Sections 307, 324, 120-B, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The allegations in the First Information Report are that there was a scuffle between the nephew of the informant and the main accused No.1 who has assaulted the nephew of the informant. The main accused while assaulting the victim, was saying that he was sent by the present applicants for killing the victim.

3. The learned Counsel for the applicants submits that this Court, on 14/12/2021, had granted *ad-interim* anticipatory bail and accordingly, as per one of the conditions of the *ad-interim* protection, they have attended the police station. It is submitted that as the applicants have already attended the police station on sufficient occasions, their custody is no more required. He, therefore, prays for confirmation of *ad-interim* anticipatory bail granted to them on 14/12/2021. He further submits that their names were not there in the First Information Report, but, on a statement of victim, their names were arrayed as accused. He submits that due to rivalry, the victim has falsely implicated the applicants in the alleged offence.

4. On the other hand, the learned APP strongly opposed the application and submits that there is a dispute in between the maternal uncle of the applicants and the victim and the alleged incident has occurred out of the said rivalry. The learned APP has pointed out from the case diary, the statements recorded by the police during the investigation and thereupon, he submits that as sufficient incriminating material is collected against

the applicants, *prima facie*, their involvement is clear. He, therefore, prays for rejection of present application.

5. I have perused the case diary and also the contents of the First Information Report.

6. The statements recorded by the Investigating Officer, during the investigation, show the *prima facie*, involvement of the applicant in the alleged offence which is serious.

7. In that view of the matter, I am not inclined to allow the present application. Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]