

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.185 OF 2023
Shoeb s/o Mubarak Shiekh Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri S.S. Sohoni, Advocate for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.
DATE : MARCH 23, 2023.

Heard. Learned Sessions Court in its order dated 28.06.2022 in Criminal Bail Application No.683/2022 has recorded the following reasons for rejecting the application:

“8) Perusal of the copy of charge sheet reflects that this applicant is shown as absconder and charge sheet is filed against other co-accused. FIR reveals his name and role is attributed to him. FIR appears to be lodged promptly. His earlier anticipatory bail application cited supra has already been rejected. Supplementary statement of the complainant/injured recorded on 25/04/2021 attribute specific role to this applicant and reveals that he was holding knife in hi stand. Other witnesses are stating the specific role of this applicant. Thus as the applicant has not appeared in the matter and argued and as he remained absconding since the date of incident, only filing of the charge sheet against co-accused does not entitle him for anticipatory bail particularly when his anticipatory bail was rejected earlier. There is prima facie material present to connect applicant with the crime. Offence is serious. In view of above reasons and considering all attending facts and circumstances, this applicant is not entitled to get anticipatory bail and thus no case for anticipatory bail is made out. As a result, the following order.”

2. When enquired of antecedents, learned counsel for the applicant submits that there are three to four criminal antecedents against the applicant. Same are not disclosed in the application. Therefore, the applicant is not entitled for discretionary relief so also for the sound reasons recorded by the Sessions Court, which on going through record placed before me appears to be just. The application is accordingly rejected.

JUDGE

Wagh