



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

CRIMINAL APPLICATION (BA) NO.688 OF 2023

Saiyyad Fardin Saiyyad Anis .Vs. State of Mah. through P.S.O., P.S. Warud, Dist.
Amravati

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

Court's or Judge's Order

Ms N.N. Burange, Advocate for applicant.
Shri H.D. Dubey, A.P.P. for non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 06/09/2023

1. This is a successive bail application after withdrawal of the first application on 30.11.2022. Earlier application was withdrawn with liberty to file afresh after six months if there is no progress in the trial.

2. It is the case of the applicant that since there is no progress in the trial, therefore, the present application is filed. It is submitted that the applicant is in jail from 18.05.2022 and the charge-sheet has been filed on 08.08.2022 as such, the custody of the applicant is not necessary.

3. It is further submitted that there are total eight accused, out of which six have been already released on bail. As far as role of the applicant is concerned, it is submitted that, he was driving the motorcycle on which the main

accused was sitting as pillion rider and he fired a bullet from the fire arm due to which the complainant got injured.

4. Thus, it is submitted that, the applicant is not the author of any of the injuries caused to the complainant. Accordingly, the learned counsel for the applicant prays for grant of bail.

5. After going through the First Information Report (FIR) and the allegation made in the FIR and the incriminating evidence collected by the investigating officer, it cannot be said that, the applicant is not responsible for any injury to the complainant.

6. There is sufficient material available on record to show that the applicant was driving the motorcycle involved in the alleged offence and the main accused who fired bullet from the fire arm was sitting on it as a pillion rider. Thus, the role of the applicant is not less than role of the main accused.

7. Moreover, there is antecedent and earlier similar offences was registered against the applicant and therefore, there is every possibility if the applicant is released on bail, he may repeat the offence.

Accordingly, the application is **rejected**.

JUDGE