



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

CRIMINAL APPLICATION (ABA) NO.329 OF 2024
(Sayyad Shahid Sayyad Salim and anr. Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. PP. Sarise, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.365/2023 registered with Police Station Old City, Akola District Akola for the offence punishable under Sections 143, 147, 148, 307, 323, 504, 506 read with Section 149 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged on 01/10/2023 alleging that the informant who is the grocery shop owner it is alleged that the present applicant is in habit of pressurising and threatening the various members who are residing in the village. On the day of incident also present applicant went at the grocery shop of the informant and threatened him and also took cash amount from his cash box. On 01/10/2023 again at about 8:30 p.m. he came in the shop and forcefully took the cigarette packet from his shop without giving any consideration amount. On that count there was resistance by the informant, and

therefore, the applicant came along with his maternal uncle and other family members. They all came along with the weapons in their hand and the present applicant was holding the spade and assaulted the informant by means of spade. The informant has sustained the grievous injury due to the said assault. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned which are false and fabricated one. One of the co-accused is already released on bail by the Honourable Apex Court. The similar role is attributed to the present applicant. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the application on the ground that the role attributed to the co-accused who is released on bail by the Hon'ble Apex Court is completely different as the role attributed to him of the assault on the non-vital part of the body. As far as present applicant is concerned entire incident occurred at his behest. He has assaulted the informant by means of spade on a vital part, informant has sustained head injury as well as the other injuries on the other parts of the body.

5. She submitted that considering the nature of the recitals of the FIR which shows that it was the present applicant who used to forcefully obtain the various articles from the grocery shop of the informant and was not paying the amount, and therefore, the dispute started.

The allegations in the FIR further shows that the applicant is in habit of creating the terror in the premises. Thus, considering all these facts, the anticipatory bail cannot be granted to the present applicant.

6. On perusal of the investigation papers and the various statements of the witnesses, the contention of the learned APP is substantiated. The medical certificate also shows that the informant has received the various injuries and the fact that the entire incident has occurred at the behest of the present applicant as he attempted to obtain the articles from the grocery shop of the informant forcefully without consideration amount. Thus, considering the entire role attributed to the present applicant definitely it is not a case to protect the present applicant by granting anticipatory bail. In view of that, the application deserves to be rejected.

7. Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)