



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

CRIMINAL APPLICATION (ABA) NO.567 OF 2024

(Shaikh Kasam s/o Shaikh Shaikhji 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. S.V. Sirpurkar, Advocate for the applicant.
Ms S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 10, 2024

Apprehending the arrest at the hands of police, in connection with Crime No.327/2024 registered with Police Station Old City, Akola for the offence punishable under Sections 323, 326 and 504 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The allegation against the present applicant is on the basis of report lodged by Abdul Nabi Mohammad Sarwar on an allegation that he is a Truck Driver and earning his livelihood by driving the truck. On 29/05/2024 on the occasion of the marriage of his grandson there was a function and in that function the present applicant came with the iron pipe along with the co-accused – Sheikh Firoz and Sheikh Lakhan and present applicant has given a blow of said iron pipe on his right hand, due to which he has sustained the injury. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant is concerned which is due to the old enmity between the informant and the present applicant. His custodial interrogation is not required as the injured has not sustained the grievous injuries. As far as the interrogation part is concerned, the applicant is ready to cooperate with the investigating agency. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that there are criminal antecedents against the present applicant as many as seven offences are registered against the present applicant. She submitted that the vital role is played by the present applicant. The investigation papers shows that the injured has sustained the grievous injuries and fracture of Ulna shaft right hand. Thus, considering the direct role played by the present applicant, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that it is the present applicant against whom the allegations are made regarding the assault by iron rod. The medical certificate substantiates the said fact. The statements of the eye-witnesses are also to the extent that the applicant is involved in the said crime. Admittedly, mere criminal antecedents are not sufficient to reject the bail application however, considering there are

consistent offences registered against the present applicant. Prohibitory action is also taken against the present applicant. Considering the same, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected.

6. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*