

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
--	--	---------------	----------------------------

CRIMINAL APPLICATION NO. 6282 OF 2014

SHAHRUKH S/O RAJAK SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sadaphule Rajendra S.
APP for Respondent: Mr. A. V. Deshmukh.

CORAM: T. V. NALAWADE, J.
DATED: 2nd FEBRUARY, 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard.
2. The previous application filed for bail by the present applicant was withdrawn when this Court expressed that this Court was not inclined to grant the relief. This order made in Criminal Application No. 4603 of 2014 is dated 9th September, 2014. In view of this circumstance, the learned counsel for the applicant was expected to show that there has been change in circumstances. He submitted that the case has not made progress and therefore he is entitled for bail. He placed

reliance on observations made by the Apex Court in ***Criminal Appeal No.689 of 2014*** in the case of ***“Sundeep Kumar Bafna V/s State of Maharashtra and another”***. Other side is also heard.

3. In the incident dated 3rd February, 2014 the present applicant shot a bullet on the chest of the injured and the firing was done on the left side of the chest. There is specific allegation of the complainant that it was an attempt on his life. The pistol is recovered from the applicant under the provisions of Section 27 of the Evidence Act.

4. Affidavit is filed by the State showing that the present applicant is involved in so many cases, 12 in number. The numbers are given. It appears that many cases are filed for offence under section 307 I.P.C. and also the provisions of section 3 read with 25 of Arms Act. One case is also filed for offence under section 302 of I.P.C.

5. Learned counsel for the Applicant submitted that at least in five cases the applicant is acquitted. Even though this submissions is accepted as it is, the things cannot change, in view of allegations made against him.

6. The learned counsel for the applicant submitted that the injury certificate is not filed along with charge sheet and the benefit of this circumstance can be given to the applicant. As per the directions given by this Court, copy of medical certificate is shown to this Court. The injury is shown to be

grievous. Even if the document is not produced along with charge sheet, State can produce it subsequently. In any case, it can be said that the matter was referred to expert. General directions are issued to see that the accused are produced regularly in the Courts for trial purpose. This Court hopes that the trial of the case will be expedited and in any case within 3 months from the date of receipt of this order.

7. The application is is rejected.

8. Liberty is given to the applicant to approach this Court after 3 months.

[T. V. NALAWADE, J.]

Dt.02/02/2015
ans/6282