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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.258 OF 2015

Mohd. Sharukh Mohd. Amir Khan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Ganesh Gole i/b Mr.D.V.Kendre, for the Applicant.

Ms.A.T.Javeri, APP for the Respondent – State.

PSI – M. K. Khan, Shivaji Nagar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATED : 23rd MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and the learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.335 of 2014 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 326, 506(2) and 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. The incident in question has taken place on 13th August, 2014, at about 4.00 p.m to 4.30 p.m. It is alleged by the complainant, that his friends viz., Parvez and Ahmed, were standing near his house and that soon after they left the spot, the applicant along with co-accused- Lala and Ismail came to the spot and assaulted the complainant with a sword on his head and also with fists and kicks. On hearing the cries, the younger brother of the complainant – Parvez and another person from the vicinity rushed to help the complainant. It is alleged that the applicant and the co-accused threatened the complainant's brother and others who had gathered at the spot, that if they came forward to rescue the complainant, they would be killed.

4. Learned Counsel for the Applicant submitted that there are contradictions in the statement of the witnesses and that the nature of grievous injury sustained by the complainant apart from other injuries is 'an incised wound corner of Rt. temporal region 5 X 3 X Bone deep o underlying Bone'. He submitted that the trial of the case will take some time and sought enlargement of the applicant on bail.

5. Learned APP opposed the bail application. She submitted that the

applicant is alleged to have assaulted the complainant on his head with a sword. She submitted that there is a recovery of sword, at the instance of the applicant.

6. Perused the charge-sheet. A specific overt role has been assigned to the applicant i.e. he is alleged to have assaulted the complainant with a sword on his head. The injury certificate also corroborates the said fact. It clearly shows that there was fracture of the left parietal bone. It also appears, that the complainant, as a result of the said injury, had to undergo a surgery, of his head and hand. There is also a recovery of a sword, at the instance of the applicant.

7. Considering the nature of allegations which are serious in nature and the material on record, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the Application for bail is rejected and disposed of as such. However, the trial is expedited.

9. Needless to observe, that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.
10. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)