

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 562 OF 2015

Mohammed Javed Irani	... Applicant
Vs.	
The State of Maharashtra	... Respondent

BAIL APPLICATION NO. 511 OF 2015

Kasim Garibshah Irani	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Moorthy Aacharya, Advocate for the Applicant in B.A. No. 562/2015.
Mr. Ganesh R. Iyer i/b. Ms. Neetu R. Mishra, Advocate for the Applicant in B.A. No. 511/2015.
Ms. Veera Shinde, APP for Respondent – State in B.A. No. 562/2015.
Mr. Arfan Sait, APP for Respondent – State in B.A. No. 511/2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **APRIL 15, 2015**

P.C.:

These Applications are moved for bail. The issue involved in these Applications are similar, hence, they are disposed of by a common order. The applicants/accused are facing charges under sections 307, 353, 332, 427 r/w. 34 of the Indian Penal Code. The offence is registered in C.R. No. 280 of 2014 registered with Chinchwad Police Station. One Pramod Sukhdev Hiralkar, police constable at Chinchwad Police Station gave information to the police that on 30th September, 2014 when he along with other police constable Chandrakant Gadade was patrolling on the Government vehicle, i.e., Hero Honda motorcycle No. MH/12/AH/8440,

they received information from the Control Room that two persons riding Pulsar motorcycle with helmet and wearing checks and white have snatched mangalsutra. After sometimes, they saw one Pulsar motorcycle was coming in high speed. On suspicion, they asked the motorcycle rider to stop the vehicle. The pillion rider instigated the motorcycle rider to kill the police. So, the motorcycle rider increased the speed and dashed on their motorcycle. Thus, the police lost the balance. Their motorcycle was damaged and they sustained some injuries. The applicants/accused also fell down. They left their motorcycle and helmet and starting running, however, the police chased them and with the help of the people, they could nab the accused persons. The accused persons are in prison since 30th September, 2014. Hence, these Bail Applications.

2. The learned counsel for the applicants/accused has submitted that the injuries sustained to the police are simple and minor. The applicants/accused have not committed any offence. There was a crowd and there was a cause of mistaking the identity. The applicants/accused are inside since 30th September, 2014. The learned counsel further submitted that the offence which was shown registered against the applicants/accused are post 30th September, 2014 and in those cases the applicants are bailed out.

3. Learned APP opposed the Application. He submitted that there are 8 criminal antecedents against applicant-Mohammed Javed Irani and 10 criminal antecedents against applicant-Kasim Garibshah Irani. They are habitual criminals and were caught red handed.

4. Perused the FIR and statement of Mr. Chandrakant Gadade. The applicants/accused have attacked the police. There are criminal antecedents against the applicant/accused and they were caught red handed. Whether injuries caused to the police are simple or not, however, they have attacked the police is a serious matter. Hence, this is not a case where bail can be granted. Hence, the Applications for bail are rejected.

(MRS.MRIDULA BHATKAR, J.)