

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.948 OF 2014**

Saddam Abdul Rashid Shaikh	Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. Deepak K. Girme, advocate for the Applicant.
Mr. S.S.Pednekar, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : March 19, 2015.**

P.C.:

This is the second bail application before this Court. The applicant has moved for bail as the applicant-accused is facing charges under Sections 302,143,147,148 and 149 of the Indian Penal Code, 1860 in the C.R.No.68 of 2012at Kondwa police station, Pune.

2 Incident of murder of one Ismail and assault on one Jahid had taken place on 29.4.2012. The learned counsel for the applicant-accused submitted that earlier bail application no.1740 of 2013 was allowed to be withdrawn by the order of this Court dated 15.1.2014. He submitted that he prays bail on two grounds. Firstly, in the statement of witnesses, name

of the applicant-accused is not fully written but the person is mentioned as 'Saddam' and not as 'Saddam Abdul Rashid Shaikh' and, therefore, he submits that it is the case of mistaken identity. He submitted that earlier, this Court by its order dated 28.6.2013 has granted bail to the co-accused Sarfaraj Shaikh, who is attributed a similar role. He prays parity. The learned prosecutor submits that parity cannot be granted to this applicant-accused because that accused was suffering from diabetes. He further submits that on the body of Ismail, 60 injuries were found. Name of the applicant-accused is mentioned. Murder was committed in a very brutal manner wherein the applicant-accused was present and assaulted.

3 Perused the order passed by my learned predecessor on 15.1.2014 allowing withdrawal of the first bail application. My predecessor has mentioned that he was inclined to reject the bail. However, in the midst of dictation, prayer for withdrawal was made and he allowed it.

4 On perusal of the statements of the witnesses independently, it is attributed that the applicant-accused was armed with a weapon. Incident has taken place at 7.30 pm in the month of April, 2012 and there are not only eye witnesses but also the specific mention that the applicant-accused inflicted blows on the deceased Ismail and injured Jahid. Taking account of the submissions of the learned Prosecutor, this

is not a case to grant bail.

5 Bail application, accordingly, stands rejected.

(MRS.MRIDULA BHATKAR, J.)