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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1017 OF 2015

Firoz Hasinuddin Shaikh	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Chetan Alai, for the Applicant.

Mr.Y.M.Nakhwa, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th AUGUST, 2015

P.C. :

1. Heard the 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.31 of 2013 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 307, 143, 144, 147, 148, 149, of the Indian Penal Code.

3. The incident in question has occurred on 28th January, 2013. It is alleged by the prosecution that when the complainant had gone to answer the nature's calls, he saw the accused including the applicant coming towards him carrying chopper and knife in their hands. It is alleged that the co-accused – Chimiya and Dupan assaulted the complainant with knives ; the present applicant assaulted the complainant with a chopper ; co-accused - Rakesh and Vikram assaulted the complainant with knife and chopper and the co-accused - Zafar assaulted the complainant on his hand.

4. Learned Counsel for the applicant submitted that the applicant be enlarged on bail on the ground of parity inasmuch as, the co-accused – Rafiq Sheikh i.e. real brother of the applicant, aged 19 years has been enlarged on bail by the Sessions Court.

5. Learned APP opposed the bail application. He submitted that the there are 12 CR's registered as against the present applicant and most of the CR's pertain to bodily related offences.

6. Perused the application and the bail order passed by the learned

Sessions Judge enlarging the co-accused – Rafiq Sheikh on bail. It appears that the complainant was attacked by the applicant and others with deadly weapons. The complainant has sustained injuries on account of the same. The name of the applicant also finds place in the FIR.

7. Considering the nature of allegations and the fact that there are about 12 cases pending as against the applicant, this is not a fit case to enlarge the applicant on bail.

8. Hence, the Application for bail is rejected and disposed of as such.

9. However, if the trial does not conclude within a reasonable time, the Applicant shall be at liberty to file a fresh application which will be considered on its own merits.

10. Registry to communicate the aforesaid order to the Applicant, who is presently lodged in Taloja Central Prison.

REVATI MOHITE DERE, J.