

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1372 OF 2015**

Abdul Rehman Mohmad Siddhique @ Lalla ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Himanshu S. Shinde for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

API Mr. S. J. Bandekar from Goregaon Police Station is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21ST SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 425 of 2014 registered with the Goregaon Police Station, Mumbai, for the alleged offences punishable under Sections 307 r/w 34 of the Indian Penal Code and under Section 37(1)A r/w 135 of the Bombay Police Act.
3. The complainant is one Surendra Yadav, a resident of Goregaon, Mumbai. He has alleged that in 2001, he was arrested in

connection with the murder of one Saijad Sherali Sheikh, the brother of the accused No. 2 Mushtaque Sherali Sheikh @ Totla. According to the complainant, who is the injured, the said Mushtaque Sherali Sheikh @ Totla came along with others, including the applicant and started assaulting him with fist and kick blows. Thereafter, it is alleged that the present applicant, Javed, Lalla and Sanu held him and Mushtaque Sherali Sheikh @ Totla assaulted the complainant with a knife in his abdomen. As people started gathering and there was commotion, all the accused fled from the spot.

4. Learned Counsel for the applicant submits that the applicant is in custody for more than a year. He submits that the injury sustained by the complainant is simple in nature. He also submits that the applicant has been acquitted in two of the four cases, which have been registered as against him. According to him, the said offences are of the year 2007, 2008 and 2009. He submits that in a case registered under Section 302, the applicant has already been acquitted.

5. Learned A.P.P states that charge has been framed in the said case and that the matter is kept for recording of evidence on 5th October,

2015. He submits that the complainant has specifically disclosed the name of the applicant. He submitted that there are four cases which have been registered as against the applicant and that, in two of the said cases, the applicant has been acquitted. He submits that whilst on bail, the present incident has taken place.

6. Be that as it may, considering the fact that the charge has been framed and the matter is posted for recording of evidence, I am not inclined to consider the application for bail. However, considering the peculiar facts of the case, the trial is expedited. The learned Trial Court shall conclude the trial as expeditiously as possible and preferably within four months from the date of receipt of this order. If the trial does not conclude within the said period, for no fault of the applicant, the applicant is at liberty to renew his prayer for bail.

7. Application is accordingly disposed of.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
