

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

**CRIMINAL APPLICATION NO.1518 OF 2015
IN
CRIMINAL APPEAL NO.190 OF 2015**

Ejaj Kutuboddin Makrani	..Applicant/Appellant
V/s.	
The State of Maharashtra	.. Respondent

Mr.Omkar Nagvekar I/by Mr.Sudam Kale
for the applicant/appellant.

Mrs.Anamika Malhotra APP for the Respondent-State.

CORAM : A. R. JOSHI, J.

DATE : 08th DECEMBER, 2015.

P.C.

1. Heard rival submissions on this application for bail during pendency of appeal. Infact the appeal is already admitted. Initially out of 7 accused persons 5 persons were convicted and original accused no.6 and 7 were acquitted. Present applicant is original accused no.3. He is also one of the appellants in the appeal which is already admitted by this Court being no.190 of 2015.

2. The conviction of the appellant is for the offences punishable under sections 307 read with section 149 of Indian

Penal Code and for this major offence he has been sentenced to suffer RI for 7 years and pay fine of Rs.3,000/-. Admittedly during the trial applicant no.3 was not on bail. The role attributed to the applicant is that of use of sword in the assault on the complainant and another witnesses. During the arguments it is submitted that there were cross complainants and other co-accused nos.1 and 5 have been granted bail by another bench of this Court. Admittedly the role attributed to those accused nos.1 to 5 who were granted bail is different, inasmuch as they have not taken part in the actual assault but only took part in snatching gold chain from the complainant and during the trial they were on bail.

3. Considering the factual position established against the applicant as to assault with the sword on the complainant and other witnesses, it is not a case in which the applicant can be released on bail in the present appeal.

4. The last submission is that the daughter of the present applicant is getting married in near proximity.

Apparently this will not be a ground for release on bail. There are other ways and means for obtaining concessional relief, by way of parole by making appropriate application before the court. However, this is not an application for bail during pendency of appeal. Hence application is rejected.

(A. R. JOSHI, J)