

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

BAIL APPLICATION NO.37 OF 2016

Mohd. Hashim Mohd. Sami ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Mahendra N. Sandhyanshiv for the Applicant.

Mr. D.P. Adsule, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 12th FEBRUARY, 2016.

P. C. :

This is an application for temporary bail filed by the aforesaid Applicant, who was arrested in C.R. No.4 of 2014 registered at Pawarwadi Malegaon Police Station, District-Nashik, for offence punishable under section 302 r/w. 34 of the IPC.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. The Applicant had earlier filed bail application No. 1223 of 2015. On 24.11.2015 when the said application was taken up for hearing, the learned counsel for the Applicant sought leave to withdraw the application with liberty to file

fresh application after the evidence of the first informant is recorded. Hence, on 24.11.2015 the said application was dismissed as withdrawn. Present application was filed on 6.1.2016 even before the evidence of the first informant is recorded. The Applicant herein stated that his father is suffering from cancer and sought bail on the ground that his father is suffering from cancer.

3. The learned APP has placed on record report dated 4.2.2016, which clearly indicates that the other brothers of the Applicant are residing with his parents and as such the contention of the Applicant that there is no other person to take care of his father cannot be believed and accepted. It is evident that having failed to obtain bail order the Applicant has made an attempt to secure bail on the pretext of the sickness of his father. The learned APP has also brought to my notice that the Applicant is also facing trial in two other cases.

4. Considering the above facts and circumstances, the Applicant is not entitled for bail and the application is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)