

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 38 OF 2016
IN
CRIMINAL APPEAL NO. 16 OF 2016

Amir Ismail Patel @ Ammu. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Aniket Vagal, advocate for applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 3, 2016

P.C.:

1 Heard the Learned Counsel for the applicant and the learned
APP for State.

2 It is submitted by the learned APP that the applicant herein has
criminal antecedents and therefore, he does not deserve to be
enlarged on bail. However, the record would show that the applicant
has been acquitted in three cases, whereas he was convicted for

offence punishable under Section 457 and 380 of the Indian Penal Code in C.R. No. 143 of 2005. He was also convicted in C. R. No. 142 of 2006 for offence punishable under Section 457 and 380 of the Indian Penal Code. He was also convicted in C.R. No. 68 of 2008 for offence punishable under Section 392, 394, 397, 353, 307 read with Section 34 of the Indian Penal Code in Sessions Case No. 725 of 2008 by the Sessions Court, Seweree.

3 Learned Counsel for the applicant submits that in the said case, sentence has been modified and he is convicted for offence under Section 392 of the Indian Penal Code in the year 2011. Present case is of the year 2013. It therefore, appears that after the sentence was modified in 2011 he has again indulged into criminal activities. The learned Counsel for the applicant submits that criminal antecedents need not be seen. According to him, in the present case, injured has not been examined and therefore, it has caused serious prejudice to the applicant since there was no substantive evidence of the injured to demonstrate the circumstance in which the offence has taken place.

4 Taking into consideration the submission advanced across the bar and the criminal antecedents of the applicant, this court is not inclined to grant bail.

5 The learned Counsel for the applicant submits that he would prepare private paper book within four weeks from today. Office to verify the correctness of the paper book submitted by the learned Counsel for the applicant. Liberty to mention the matter for final hearing as soon as the paper book is filed and verified by the office.

6 The application seeking bail stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)