

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

CRI. BAIL APPLICATION NO. 1245 OF 2016

Sarfaraj Abdul Sattar Vasta

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Sanjeev Mishra, Advocate for the Applicant.

Mrs. Veera Shinde, A.P.P. for the State.

CORAM : A. M. BADAR, J.

DATE : 11th AUGUST, 2016

P.C. :

1 The applicant/accused in crime no. 25 of 2016 for the offences punishable under sections 386, 326, 504, 506 r/w. 34 of the Indian Penal Code and under sections 4, 25 and 27 of the Indian Arms Act, registered with Mhasala Police Station, Dist. Raigad, by this application is praying for releasing him on bail.

2 Heard the learned counsel appearing for the applicant/accused. He argued that co-accused has already been released on bail. Learned counsel further argued that in fact the present applicant on 01.06.2016 lodged a report which has resulted in registration of Crime No. 26 of 2016 for the offences punishable under sections 324, 504, 506 against

Sajjad Nazir Vasta, who is the brother of the present informant.

3 Learned APP argued that there are three eye witnesses to the incident in question apart from chequered criminal antecedents of the present applicant.

4 Perused the papers of investigation. As yet chargesheet is not filed. Role of co-accused in the crime in question is entirely different. Informant-Salman Nazir Vasta is having a fabrication shop at Navanagar Station, Mhasala and Muzammail Abdul Rajjak Hujurk is his employee. Informant Salman has averred that the present applicant used to come to his welding workshop time and again he used to extract amount of Rs. 1000/- on each occasion from him. According to informant on 31.05.2016 the present applicant and the co-accused came to him and demanded Rs. 10,000/-. When his employee Muzammail informed the applicant that he is not having any money, the present applicant gave a blow of glass bottle on the head of Muzammail, causing injury to him. By means of a sharp knife, the present applicant then assaulted informant Salman. When Muzammail tried to intervene, the present applicant assaulted him by means of iron instrument.

5 Perusal of the paper of investigation shows that there are three eye witness to the incident in question. Injury

certificate of the informant shows that he was having injuries on head and chest. Injury certificate of Muzammail also shows that he was injured in the incident in question. Investigation is still going on. No case for bail at this stage is made out.

6 The bail application is rejected.

(A. M. BADAR, J.)

.....