

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1 OF 2017

Harryson Anthony Joseph @ Harry

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Harshad Meshram Advocate for Applicant.

Ms. J. S. Lohakare APP for the State.

Mr. Chikne, PSI, MRA Marg Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th MARCH, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is charge-sheeted in crime no. 53 of 2016 registered at M.R.A. Marg Police Station on 29/02/2016 for offence punishable under sections 307, 323, 504, 506 r/w 34 and section 120 (B) of the Indian Penal Code.

2) It is the case of the prosecution that on 29/02/2016, Javed Malik Shaikh @ Shital lodged a report at M.R.A. Marg Police Station alleging therein that

ism

he resides below flyover at Musafir Khana. He is addicted to liquor and Ganja. On 27/02/2016 at about 7.00 p.m., he had met the wife of Abid Shaikh @ Abu. He had inquired with her about Michael. She answered adamantly. There was verbal altercation between her and the complainant. He had threatened her. She informed about the said incident to her husband and her brothers. Present applicant happens to be brother of Saba wife of Abid Shaikh.

3) It is alleged that on 28/02/2016, when the complainant was near a bridge at Paydhuni, present applicant and others had approached him, threatened him since he had verbal altercation with their sisters. He tried to rescue himself. They followed him and thereafter they had assaulted him brutally. On the basis of his report, crime no. 53 of 2016 was registered.

4) Upon perusal of papers of investigation, it is clear that there is sufficient incriminating material collected in the course of investigation which would indicate that applicant is involved in the said case.

5) The learned counsel for the applicant submits that co-accused has been enlarged on bail and therefore, by virtue of doctrine of parity, he would also be entitled to be enlarged on bail.

6) The learned APP has placed on record the report submitted by M.R.A. Marg Police Station, Mumbai which shows that there are more than 11 crimes registered against the applicant. That in the year 2007, he was externed for a period of two years. Thereafter, in the year 2012 also he was externed for a period of two years. He has been proclaimed as absconding in crime no. 197 of 2009 i.e. in Court Case No. 157/PW/2009. He was also proclaimed offender in crime no. 224 of 2011. Needless to say that applicant is a history sheeter and the court is not inclined to grant bail on the ground that he has committed several offences when he was enlarged on bail in earlier offences. That the applicant has no fear of Law. The liberty of an individual cannot outweigh the safety, security and welfare of society.

7) The learned APP submits that after his application is rejected by the Sessions Court, he had broken the glasses of the Sessions Court.

8) Taking into consideration the criminal history of the applicant, this would not be a fit case to enlarge him on bail. Hence, application stands rejected.

(SMT. SADHANA S. JADHAV, J.)