

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

CRIMINAL BAIL APPLICATION NO. 171 OF 2017

Farid Mohammed Shaikh @
Firoz Yusuf Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ateet Shirodkar, advocate for Applicant.

Mr. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 3, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under section 439 of the Code of
Criminal Procedure, 1973. The applicant herein is arrested on
17/7/2016 in Crime No. 174 of 2016 registered at Dadar Railway
Police Station. Investigation is completed and charge-sheet is filed

against the present applicant for offence punishable under section 307 of the Indian Penal Code and under section 37 (1), 135 of the Maharashtra Police Act.

3 It is the case of the prosecution that on 17/7/2016 the complainant Ms. Pooja had boarded local train at Virar at about 7.10 p.m. and alighted from the local train at Dadar railway station at about 8.27 p.m.. She had crossed the railway bridge and came on the platform No. 1/2 of Central Railway. That a person travelling in second class compartment of the railway assaulted the complainant with knife on her left neck when the train was in motion. She had sustained bleeding injuries. That she had noticed that people had taken charge of the accused and was assaulting him and he was handed over to the police by the people. There has been a C.C.T.V. footage, which would show the involvement of the applicant in the said crime. The learned APP rightly points out that the applicant was arrested on 26/2/2010 in Court Case No. 362/PS/2010. He was discharged on 16/7/2016 and on the very same day he had assaulted

the complainant with a knife. This reflects upon the culpability of the present applicant. Criminal mentality is writ large. The applicant does not deserve to be enlarged on bail, in the facts and circumstances of the case, especially where the safety of women is concerned. Hence, the application being sans merits stands rejected.

8 The above observations are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration at the time of trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)