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

BAIL APPLICATION NO.1474 OF 2018

Juber Mohiddin Shaikh @ Kalu

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Vikas Kolekar for applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No. 347 of 2016 dated 19.8.2016 registered with Shivaji Nagar Police Station, Mumbai under sections 307 read with 34 of the Indian Penal Code and under sections 4 and 25 of Arms Act.

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] It is the prosecution case that, due to quarrel over parking of vehicles, principal accused Salim along with other accused persons assaulted injured witness Abid Shaikh with swords and sharp edge iron

blade. The first informant Sabir Ali has lodged the present crime mentioning the name of the applicant and other accused persons in it. The precise case of the prosecution against the applicant is that, he assaulted with sword to injured witness on trifle ground i.e. quarrel over parking of vehicle. During the course of investigation, the applicant came to be arrested on 25.8.2016 and after completion of investigation, the police have submitted chargesheet.

4] Perusal of the chargesheet would indicate that, injured victim Abid Shaikh has received eight grievous injuries. The medical report indicates that, four fingers of left hand of the said witness were dislocated in the said assault. There is deformity caused to the right arm of the said injured witness due the said assault. Apart from the said fact, injured witness has received CLW's on his head and other vital parts of the body.

The record indicates that, the applicant is having 11 antecedents at his discredit and when he was on bail in earlier crimes, he has committed the present crime. The prosecution has expressed apprehension that, if the applicant is released on bail, he will again cause threat to the life of the first informant and injured witness.

5] After taking into consideration material on record showing the complicity of the applicant in the present crime, antecedents at the discredit of the applicant, the apprehension expressed by the prosecution, and the gravity of offence, this Court is of the view that the applicant does not deserve to be released on bail.

6] Application is accordingly rejected.

(A.S.GADKARI, J.)