

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2968 OF 2017***

Jalaluddin Kalamuddin @ Arif Kureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Chetan Subhash Damre, for the applicant.
Mr.kS.H.Yadav,APP, for the State.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 12th January, 2018.***

P.C. :

1. This is an application under Section 439 of Cr.P.C. The applicant is arrested on 20.2.2017 in C.R. No.102 of 2016 registered at Pawarwadi Police Station, Malegaon, Dist. Nashik. The investigation is completed and charge-sheet is filed against the accused/applicant for the offences punishable under Sections 307, 452, 143, 147, 148, 149 read with section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 14.11.2016, Kalim Ahmad Mushtaque Ahmad lodged a report at the police station alleging therein that his brother namely Umer Farook Mushtaque Ahmad was

assaulted and is admitted in Neptune Super-Speciality Hospital at Malegaon. Upon enquiry, he learnt that one Yusuf @ commando (juvenile in conflict with law - absconding accused) and two others had mounted assault upon Umer Farook on account of his association with Ajmat and Taija. They had mounted assault with knife, sword and stick. In the course of investigation, statement of the victim was recorded on 20.11.2016 when he was still admitted in Neptune Hospital. He disclosed to the police that on 13.11.2016, the applicant and four others had mounted assault upon him. In an attempt to rescue himself, he had rushed into an unknown house. The applicant and others had followed him into the house and stabbed him in stomach. The injury certificate shows that there is a stab wound of 3 x 2 3 cm. over left hypochondriac region (abdomen) with bowel loops pointing out through the wound. It is a grievous injury. The applicant herein was transferred from crime No.21 of 2017 registered at Chauni Police Station for the offences punishable under Sections 457 and 380 of the Indian Penal Code in Crime No.102 of 2016 (i.e. the present crime).

3. Taking into consideration the matter on record, the nature of the injury sustained by the victim, the act of the applicant in chasing the victim and stabbing him, the fact that 3 of the accused persons are still

absconding and one of the accused is a juvenile in conflict with law, this Court is of the opinion that the applicant does not deserve to be enlarged on bail.

4. However, the learned Sessions Judge in Sessions Case No.85 of 2017 shall make every endeavour to conclude the recording of evidence, as far as possible, within six months from the date of receipt of this order. If need be, the learned Sessions Judge may separate the trial of the absconding accused from the present applicant.

5. The application being sand merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)