

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.141 OF 2019

Mohammad Tahir Rafique Ahmed Ansari,
Age 46 years, R/o.House No.512/1,
Near Alhuda Madarsa, Navi Wasti,
Kalyan Road, Bhiwandi, Dist.Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.V.V.Purwant for applicant.
Mr.S.V.Gavand, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2019

PC :

1. This is the second application for bail. The matter has been placed before this Court pursuant to the order dated 1st July 2019 by regular Court.

2. The applicant had preferred Bail Application No.464 of 2018 before this Court which was rejected vide order dated 10th October 2018.

3. Learned counsel for applicant submits that certain factual aspects were not pointed out to the Court while the earlier application was decided by this Court. It is submitted that the victims include the mother of applicant and the injured persons also include wife and brother-in-law of the applicant. It is contended that it cannot be said that the applicant had the knowledge to constitute the offence u/s 304(II) of IPC. It is further submitted that the

applicant is in custody from 25th November 2017 and considering the punishment prescribed for the offence u/s 304(II) of IPC, the applicant be granted bail on any terms and conditions as this Court may deem fit and proper.

4. Per contra, learned APP submitted that this Court has considered all the aspects of the matter including the knowledge required to constitute offence u/s 304(II) of IPC while rejecting the earlier application. It is submitted that no new ground is made out to entertain this application. The offence is of serious nature where four persons have died and nine were injured.

5. The earlier application was rejected by assigning reasons. All the aspects of the matter were considered while rejecting the earlier application. I do not find any change in the circumstance to grant bail to the applicant. However, considering the fact that applicant is in custody from 25th November 2017, the trial can be expedited. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.141 of 2019 is rejected;
- (ii) Hearing of the trial is expedited. The Trial Court is directed to complete trial within nine months from the date of receipt of this order. In the event trial is not concluded within stipulated time, the applicant will be at liberty to prefer application for bail before this Court.

(PRAKASH D. NAIK, J.)