

Anand

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

**BAIL APPLICATION NO. 243 OF 2019**

Salman Fakruddin Shaikh alias Mangya .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. M. R. Gowd, Advocate, for the Applicant  
Mr. V. V. Gangurde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 11.06.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 47 of 2018 registered with the Wadala T T Police Station, Mumbai, for the alleged offences punishable under Sections 307, 324, 504, 506(2) r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident took place on 14.02.2018 at about 9.00 p. m. It is alleged

by the Complainant – Mohammed Shaikh that co-accused – Arbaz assaulted him with the knife and that when his uncle intervened in the quarrel, the Applicant assaulted his uncle in the abdomen with a knife. A specific overt act has been attributed to the Applicant i. e. of assaulting the Complainant's uncle i. e. Salim in the abdomen with a knife. A perusal of the Injury Certificate which is on page No. 52 of the Application shows that the injured – Salim has received a grievous injury in his abdomen caused by knife. The injuries sustained by Salim are as under :-

- “1. Penetrating abdominal trauma with knife 2 x 2 x 3 cm iliac fossa;
2. Incised wound 2 x 1 x 0.5 cm;
3. Incised wound 2 x 1 cm;
4. Incised wound 2 x 1 cm.”

It appears that the Applicant has six antecedents and one chapter case is pending. All the six offences pertain to bodily related offences.

4. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)