

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

CRIMINAL BAIL APPLICATION NO.1226 OF 2018

Akabar Gani Sayed	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

**WTIH
CRIMINAL APPLICATION NO.633 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.1226 OF 2018**

Manoj Uttamsingh Rawat	...	Intervenor
<u>In the matter between :-</u>		
Akabar Gani Sayed	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Nitin Sejpal, for the Applicant.
Mr. Ajay Patil, APP, for the Respondent-State.
Mr. R. V. Gupta, for the Intervenor.

**CORAM : A. S. GADKARI, J.
DATE : 23rd APRIL, 2019.**

P.C.:-

1] This is an application under section 439 of the Code of Criminal Procedure in C.R. No. I-199/2017 dated 10/10/2017 for the offence punishable under Section 307, 504 read with 34 of the Indian Penal Code, Section 4, 25 of the Indian Arms Act and Section 37(1),

135 of the Bombay Police Act registered with Thane-Nagar Police Station, District-Thane.

2] Heard the learned counsel for the applicant, the learned counsel for the first informant and the learned APP for the State. Perused the charge-sheet.

3] The first information report is lodged by Shri.Manoj U. Ravat.

The prosecution case in nut shell is that, the first informant had lodged a complaint against the applicant and co-accused for erecting unauthorized shed on the road. The applicant and co-accused came at the scene of offence and questioned the uncle of the informant about the lodgment of the complaint with the Thane Municipal Corporation. Thereafter, the applicant took out a chopper and assaulted the uncle of the informant, namely, Mr.Amar Ravat. At that time, the first informant and his friend, namely, Mr.Shishupal rescued the said Mr.Amar from the clutches of the applicant.

During the course of investigation, the applicant came to be arrested on 17th October, 2017 and after completion investigation, police have submitted charge-sheet.

4] The learned counsel for the applicant submitted that, the

witness, namely, Mr. Shishupal has received simple injury in the said scuffle. He further submitted that, investigation of the present crime is almost completed and therefore, prayed that the applicant may be released on bail.

5] The record indicates that, the version of first informant about assault on him and his uncle is duly corroborated by the medical certificate issued by the Jupiter Hospital, District Thane. The weapon used in the present crime has been recovered from the applicant. The record of the police indicates that, the applicant is involved in five other crimes of similar nature and out of which, in two crimes he has been acquitted and three crimes are pending for final adjudication.

The learned APP submitted that, applicant when was in jail, has earlier threatened the witnesses in the present crime and therefore, two non-cognizable offences are registered against him.

6] In view of the above and as per record when the applicant was on bail in earlier crimes has committed the present crime, the applicant does not deserve to be released on bail.

Application is, accordingly, rejected.

7] In view of the order passed in Criminal Bail Application,

the Criminal Application No.633 of 2018 for intervention, does not survive and is, accordingly, disposed off.

(A.S. GADKARI, J.)