

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1561 OF 2019

Mohammed Shahzad @ Sajjy Yakub Malik,
Age 30 years, Occ.Labour, R/o.Malik Mansion
Compound, Khindipada, Darga Road,
Bhandup (W), Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

Mr.R.V.Gupta 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. Pursuant to the order dated 24th June 2019 passed by regular Court, the applicant has been listed before me. The earlier application for bail was rejected by order dated 4th January 2019.

2. Learned counsel for applicant submits that the applicant is in custody from 15th February 2018. Even taking the case as it is, the offence would not fall u/s 307 of IPC. The trial will take some time to conclude and hence on any terms and conditions the applicant may be granted bail. Learned advocate for applicant, however, submits that charge has been framed against applicant on 12th July 2019. It is also submitted that all other accused are on bail.

3. Learned APP submitted that there is no change in circumstance. The offence is of serious nature. While rejecting the

earlier application for bail, the Court has taken into consideration the nature of evidence against applicant and the antecedents.

4. The order dated 4th January 2019 rejecting the earlier application for bail indicate that there are criminal antecedents against the applicant. The Court has also considered the role played by the applicant in the alleged crime. It is also noted that the version of the complainant is corroborated by medical certificate. In the circumstances, I do not find any change in circumstance to grant bail to the applicant. However, considering the fact that the applicant is in custody from 15th February 2018, the trial can be expedited.

5. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1561 of 2019 is rejected;
- (ii) The trial is expedited. The Trial Court shall make an endeavour to conclude the trial within six months from the date of receipt of copy of this order.

(PRAKASH D. NAIK, J.)

MST