

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

CRIMINAL BAIL APPLICATION NO. 2286 OF 2019

Sanaulla Shamshad Ansari @

Shahnawaz @ Shyanu

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms. Rehana Begum, Advocate for the Applicant.

Ms. J.S. Lohakare, A.P.P. for the Respondent-State.

...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 18th NOVEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.

2. Applicant is seeking his enlargement on bail in Crime No. I-1522 of 2018 registered with Andheri Railway Police Station, Andheri, Mumbai, for the alleged offences punishable under Sections 307, 394 of Indian Penal Code, 1860 r/w Section 150(E), 147 Railway Act.

3. Applicant was arrested on 14.08.2018

4. Complainant alleged on 13.08.2018 when he was commuting in the local train, one unknown person snatched the gold chain and alighted from the running train. He was chased by the complainant and co-passengers. The applicant offered the resistance and in the course of it, he pushed the complainant on the railway track. The entire incident is captured by the CCTV footage installed on the plat form. Soon after the incident, the part of the stolen property was recovered from the accused. The complainant sustained injuries on her knees. The incident was witnessed by the co-passengers and statements are also recorded in the course of investigation.

5. Learned counsel for the applicant submits that the investigation is over. Trial is not likely to commence and conclude within the reasonable time. He submits that the charge under Section 307 of the Indian Penal Code is misplaced, in view of the nature of the

injuries suffered by the injured. On these grounds, he seeks bail.

6. Learned APP has pointed out that there are four crimes of the similar in nature registered against him; Crime no.29 of 2015, Crime no.33 of 2015, Crime no.1057 of 2018 and Crime no.1340 of 2018.

7. Learned counsel for the applicant submits that the prosecution has retrieved and also produced a certificate under Section 65(B) of the Indian Evidence Act. She opposes the release of the applicant.

8. Having considered the nature of the accusation and the criminal antecedent, applicant cannot be released on bail only because the trial is not likely to commence and conclude within the reasonable time. Application is dismissed.

(SANDEEP. K. SHINDE, J.)