

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

CRIMINAL BAIL APPLICATION NO. 2902 OF 2018

Israil Ismail Khan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Anjali Patil for the Applicant.
- Mr.A.R Kapadia, APP for the Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th FEBRUARY, 2019.

P.C. :

1] The Applicant is seeking bail in C.R. No.231 of 2017 registered with Ghatkopar Police Station for the offence punishable under Sections 143, 144, 148, 149, 307, 326, 323, 504, 506(2) of the Indian Penal Code [*for short, "IPC"*].

2] The First Information Report [*for short, "FIR"*] was lodged on 15th April, 2017 and on the same day, the Applicant was arrested. The case of the prosecution is that the Applicant is creating terror in the area. On the date of incident, the Applicant and his associates had assaulted the complainant and others. The co-accused Rabbani Chaudhary had assaulted the complainant by fist blows. Other co-accused Adil Shaikh had assaulted Sahil and co-accused Papagulam

Choudhary had assaulted Akash. The Applicant is alleged to have assaulted the complainant by giving blows on his head by sickle. He has also assaulted the other witness Akash.

3] The investigation proceeded and the statements of the witnesses were recorded. On completing investigation charge-sheet is filed. The Applicant had prepared application for bail before the Sessions Court, which has been rejected.

4] Learned counsel for the Applicant submits that the offence punishable under Section 307 of IPC is not made out. The Applicant is in custody from 15/04/2017. There is discrepancy in the statement of the witnesses recorded by the police. It is submitted that the injury suffered by the victim is simple in nature.

5] Learned APP, however, submits that the Applicant has created terror in the area and specific role has been played by them. It is further submitted that 7 cases were registered against the Applicant.

6] I have perused the documents on record. The Applicant has been attributed specific role of assaulting the complainant and other injured persons by giving blow of sickle. The Applicant is alleged to have assaulted the complainant on his head. Although, the

Applicant is in custody from the date of arrest, it is pertinent to note that several cases are registered against the Applicant, the report filed by the police indicate that after the Applicant was granted bail in C.R. No.372 of 2016 registered with Ghatkopar Police Station on 11/04/2017 the Applicant has committed this offence on 15/04/2017. It is also the case of the prosecution that the Applicant has created terror in the area. It is therefore noted that as soon as the Applicant is granted bail, he is involved in the present offence. The other cases registered against the Applicant with Sakinaka Police Station and Ghatkopar Police Station leads to offence punishable under Sections 324, 341, 387, 326, 323 etc.

7] Considering the aforesaid circumstances, no case for grant of bail is made out. However, the Applicant is in custody from 15/04/2017 and therefore, the trial Court is directed to make an endeavour to conclude the trial within the period of 9 months from date of receipt of order.

8] The Application stands disposed of.

[PRAKASH D. NAIK, J.]