

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3100 OF 2018

SARWAR MAQSOOD KHAN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Gautam Padohilal, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 23rd JANUARY 2019

P.C. :

1 This is second application for grant of bail by the applicant/accused Sarwar Khan, who is accused in Crime No.236 of 2014 registered with Byculla Police Station for offences punishable under Sections 397, 394, 363, 341, 170 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the applicant/accused. He argued that accused no.1 Fuzail Ahmed Khan is released on bail by the co-ordinate Bench of this court (Coram : Revati Mohite-Dere, J.) vide order dated 15th February 2018 in Criminal Bail Application No.2088 of 2017. This accused no.1 was identified by the witnesses and recovery was also effected from him. Still, he is released on bail whereas nothing was recovered from the present applicant/accused. It is further argued that the applicant/accused is behind bars from 1st November 2014 and there is delay in trial.

3 The learned APP opposed the application by contending that by a detailed order dated 3rd November 2017 passed in Criminal Bail Application No.1491 of 2017 claim for bail of the present applicant/accused was rejected by this court.

4 I have considered the submissions so advanced. The applicant/accused cannot claim parity with co-accused Fuzail Ahmed Khan because perusal of the order dated 15th February

2018 shows that considering his medical condition and the medical condition of his daughter, he was released on bail. Such is not the case in hand. Release of other accused person on bail has no bearing on the instant application because earlier application filed by the applicant/accused was rejected by a reasoned order dated 3rd November 2017. So far as delay in the trial is concerned, care can be taken by directing the concerned to expedite the trial. Therefore, the order :

ORDER

- i) The application is rejected.
- ii) The learned trial court is directed to expedite the trial and to conclude the same within the period of one year from the date of communication of this order.
- iii) The Registry to inform this order to the learned trial court forthwith.

(A. M. BADAR, J.)