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

CRIMINAL BAIL APPLICATION NO.3114 OF 2018

Mujahid Rahimuddin Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Ms.Sadhna Kumar, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-155 of 2018 registered with the Bhiwandi City Police Station, Thane, for the alleged offences punishable under Sections 394, 397, 506 of the Indian Penal Code and under Sections 37(1), 135 of the Maharashtra Police Act.

3. Perused the papers. The complainant is running a pan stall. According to the complainant – Mohammad Rizwan Shaikh, and other witnesses, the applicant came to the stall and asked for a cigarette, however the applicant refused to pay for the cigarette and abused the complainant. It is alleged that at that time the complainant's wife – Suraiya Shaikh, intervened in the quarrel and the applicant is alleged to have slapped the complainant's wife and assaulted the complainant. It is further alleged that the applicant rushed towards the Anil Juice Centre, picked up a knife used for cutting coconut and assaulted the complainant and tried to stab him in the abdomen with a knife, however, he was saved by the witnesses. There are eye-witnesses to the said incident of assault. According to the prosecution, the applicant thereafter snatched the complainant's mobile phone and threatened the witnesses and fled from the spot. There is recovery of mobile and knife at the instance of the applicant. The applicant has seven antecedents i.e. similar offences registered against him. If the applicant is enlarged on bail, the possibility of the applicant threatening the complainant and the witnesses, cannot be ruled out. In any event, the trial has commenced, inasmuch as, charge is framed and the first witness is in the box.

4. Considering the material against the applicant and the fact that the trial has commenced, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

5. It is made clear that the observations made herein are prima facie for deciding this application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.