

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.143 OF 2020

(Sheikh Altaf Sheikh Salam Vs. The State of Maharashtra thr. PSO PS Pusad City,
Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri M.N. Ali, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 16th MARCH, 2020.

The applicant who is in custody in connection with Crime 346/2019 for offence punishable under Section 302, 323 r/w section 34 of the Indian Penal Code, is seeking enlargement on bail.

2] The prosecution case is that on 22.08.2019 at 07:00 p.m. the deceased was assaulted by the present applicant and two others namely Sheikh Sadique Sheikh Salam and Sheikh Imran Sheikh Nawab. The assault was apparently a fall out of prior monetary dispute. Initially, the accused assaulted the deceased, who was hardly 18 years old, by fists and kicks and then the present applicant Sheikh Altaf assaulted the deceased with knife. While the eye witnesses speak of a single blow, the postmortem makes a reference to two injuries to the abdomen and liver.

3] Shri M.N. Ali would submit that since the applicant has no criminal antecedents and the charge-sheet

is filed, further incarceration is not necessary and that bail may be granted subject to such conditions as this Court deems fit to impose, which conditions shall be abided by. However, I am not inclined to release the applicant on bail. Perusal of the charge-sheet would reveal that there is ample and cogent material on record to connect the applicant with the crime. Considering the nature of the weapon, which is a knife with blade of 8 cm, and considering that the knife blow whether a single blow or two blows, was struck with enormous force which resulted in death within a short time and considering that the deceased was brazenly assaulted in full public view in the town market, the applicant would not be entitled to bail.

4] The learned trial court, is however, requested to expedite the trial and to complete the trial within nine months.

5] If there is no significant progress in the trial in the next six months, the applicant shall be at liberty to approach the learned Sessions Court for bail.

6] The application is dismissed.

JUDGE