

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

CRIMINAL BAIL APPLICATION NO. 990 OF 2021

Adil Arif Ansari

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ashok Kumar Dubey a/w. Abhinav Dubey i/b. Savj Law
Solutions, for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 735 of 2019 registered at Kondhawa police station, under sections 307, 504, 506(2) r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 28/08/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. The First Information Report (for short 'F.I.R.') is lodged on 27/08/2019 by one Rehan Mahavat. He has stated that,

on 27/08/2019 he was travelling on his two wheeler with his friends Arbaz Shaikh and Shahanawaz Shaikh. When they had reached behind Shalimar society at around 3:30p.m. they were intercepted by two persons. They were joined by two more accused. Out of them, the present applicant and Wasim gave blows with a blade on the throat of the informant Rehan and his friend Shahanawaz. The other two assailants assaulted Arbaz and Shahanawaz. On this basis, the F.I.R. was lodged.

3. Heard Shri. Ashok Kumar Dubey, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

4. The learned counsel for the applicant submitted that, the statement of one Tausif shows that the dispute was between Wasim, Rehan, Arbaz and Shahanawaz. The present applicant had nothing to do with their dispute. The applicant was already arrested on 28/08/2019 and since then he is in custody. His custody for entire period of trial is not necessary. The investigation is already over.

5. Learned APP opposed this application on the ground that the manner in which assault took place shows criminal nature

of the applicant. He submitted that, one of the injuries required 30 staples on the throat showing that it was a life threatening injury. Learned APP, therefore, submitted that the applicant does not deserve any sympathy and bail should not be granted to him.

REASONS:

6. With the assistance of both learned counsel, I have perused the charge-sheet. I have considered their submissions. Besides first informant, there are statements of other witnesses including injured eye witnesses Arbaz and Shahanawaz. Besides them there are other eye witnesses namely Ismail, Rahil and Tausif. Their statements are consistent. The prosecution case through these eye witnesses is that, after initial quarrel between the informant and the accused, the applicant and Wasim kept blade between their fingers and slashed the throat and neck of the injured Rehan and Arbaz. There is recovery of that blade at the instance of present applicant. The injury certificate shows that Rehan had suffered two wounds; the first one was 10cm x 1cm and the second one was 8cm x 2cm in dimension. It was a deep wound and required 30 staples. Arbaz had suffered deep wound of

the dimension 3cm x 1cm near his left ear. Shahanawaz had suffered superficial abrasion. Looking at the injuries, it is clear that there was an attempt to commit murder as the assault was on the vital parts with sharp weapons. Though the applicant is a young boy, looking at his nature, he has already turned into a hardened criminal. Therefore, no leniency can be shown to him. No case for bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)