

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

BAIL APPLICATION NO. 1671 OF 2020

Nadim Salim Shaikh

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Ashok M. Saraogi, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JULY, 2021

PER COURT:

1. This is second application for bail. The previous application was rejected by this Court vide order dated 24th February, 2020.

2. The applicant is seeking bail in connection with C.R. No.172 of 2018, registered with Manmad Police Station, Nashik for the offences punishable under Sections 302, 120-B, 307, 324,323, 452, 143, 147, 148, 149, 504, 506, 427 r/w. 34 of Indian Penal Code, 1860 (for short “IPC”) and under Section 7-A of Criminal Law Amendment Act, 1995 and under Section 4(25) of Arms Act.

3. The case of the prosecution is that, on 25th September,

2018, one Iliyas Sayyed and others hatched conspiracy and called the applicant and other accused at Ekta Nagar. The accused were armed with weapons such as sticks, chopper, rod, iron pipes and sword, created terror at Ekta Nagar, caused damage to the vehicles and assaulted complainant's husband. He died during medical treatment. The First Information Report ('FIR' for short) was lodged on 25th September, 2018. On completing investigation, charge-sheet is filed.

4. Learned counsel for the applicant submitted that about 18 other accused are granted bail. Certain relevant facts not brought to the notice of this Court while adjudicating the previous application. He relied upon bail orders of the other persons. It is submitted that this Court had granted bail to the co-accused, except stating the name of the applicant as one of the accused was present amongst several other persons. No specific overt act has been attributed to the applicant. The applicant is in custody from the date of arrest.

5. Learned APP submitted that no ground is made out for entertaining second application for bail. The grant of bail to the co-accused was already considered by this Court. The applicant has been named in the FIR. He was armed with weapon. While

rejecting the previous application for bail this Court has considered all the aspects. The offence is of serious nature. The victim was assaulted which has resulted in his death.

6. Learned counsel for the applicant has taken view through statements of witnesses. It is submitted that the involvement of the applicant is vaguely stated by the victim. Several persons were implicated as assailants. While rejecting the previous application, this Court has taken into consideration, the factual aspects of the matter. The applicant is participant as one of the person, who is participated in the assault. He has been named in the FIR. He was armed with weapon. The victim was assaulted by the accused. Statements of witnesses refer to his involvement in the offence. Hence, no case for grant of bail is made out.

ORDER

Bail Application No.1671 of 2020 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)