

ORDER BELOW EXH.48 IN SESSIONS CASE NO. 290/2015
CNR No. MHTH01-004572-2015

1] Accused Salman Munna Shaikh has preferred this application for bail on the ground that he is innocent, there is no iota of evidence against him and co-accused are released on bail. Hence, he be also released on bail.

2] Say of learned P.P. was called for. He has strongly objected the application by filing say on the application itself contending therein that accused is the main culprit and he has assaulted the complainant by means of chopper, sword etc., medical evidence corroborates the version of the complainant and therefore, his application be rejected.

3] Heard rival advocates. They have submitted in terms of their respective avernments and contentions. It has specifically alleged by the complainant that present applicant along with Mohsin, Rizwan have initially formed unlawful assembly, then have assaulted the complainant and one Aslam Shaikh by means of chopper, sword and knife that too on vital part of the body. Therefore, intention of the applicant can be gathered from the assault on the vital part of attempting to commit murder. Therefore, his ground that he is either innocent or there is no iota of evidence can be easily discarded. So far as parity ground is concern, accused who are released on bail have not been named in first information report and

thus parity cannot be applied to accused Salman. There is specific role with intention of accused Salman, I do not find any substance in the application to release him on bail. His application deserves to be rejected. Accordingly same stands rejected.

Thane
Date : 27.11.2019

(Hemant M. Patwardhan)
D.J.-3 & Addl. Sessions Judge,
Thane