

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 849 OF 2015

Sohel Abbas Mulla	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Shekhar A. Ingawale, Advocate for the applicant.
Mrs. R.V. Newton, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 24, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges of murder under section 302 of the Indian Penal Code in C.R. No. 136 of 2014 registered with Miraj City Police Station on 9th August, 2014. The offence is registered at the instance of Sambhaji Bharat Sutar, friend of the deceased and applicant/accused.

2. It is the case of the prosecution that deceased Swapnil Bhosale and applicant/accused are childhood friends. On 4th August, 2014 they had verbal altercations, however, their friends, who are the witnesses, pacified them. Thereafter on 9th August, 2014 at around 6 p.m. when deceased was playing cricket along with other friends, applicant arrived there and there was quarrel between them. Again at 7 p.m. when friends of the deceased, who are eye witnesses to the incident, tried to intervene him,

the applicant/accused who was standing behind his friend Amit, took him aside and stabbed at the stomach of the deceased, then he took out the knife and ran away. Swapnil was injured and was shifted to the hospital. He was treated immediately, however, he died on the next day, i.e., 10th August, 2014 in the morning. The cause of death was stab injury. The applicant was taken in prison on 9th August, 2014.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is a young boy. The deceased and applicant/accused were childhood friends. Thus, the cause of death due to only one injury by knife, cannot fall under section 302 of the Indian Penal Code. He further submitted that the applicant/accused did not inflict more blows on the person of the deceased. He never intended to kill him. Considering this and the period from which the applicant/accused is in prison, he be released on bail.

4. Learned APP opposed this Application. She relied on the postmortem report, statements of the eye witnesses, who are friends of the applicant/accused and the deceased.

5. Considered the FIR, postmortem notes and the statements of the eye witnesses. It is a case of one single blow. However, the manner in

which the incident has taken place, I am not inclined to grant bail at this stage. Hence, the Application for bail is rejected. However, liberty is given to the applicant/accused to move Bail Application after 9 months, if trial is not commenced.

(MRS.MRIDULA BHATKAR, J.)