

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2289 OF 2014

Tahir Tasbbarkhan Pathan ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.H. Solkar for the Applicant
Mr.D.A. Nalavade for Resp. No.1
Mr.J.H. Ramugade, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 17, 2015**

P.C.:

1. This application is moved for bail. The incident of murder has taken place on the night intervening 21st and 22nd May, 2013 at the open space of one Girish Bar at Daman. The deceased had consumed liquor and thereafter had altercations on a trivial issue. The applicant/accused took out a knife and inflicted injuries on the deceased on a number of times and thereby causing four grievous injuries on the vital parts of the body of the deceased. The learned Counsel for the applicant has submitted that the applicant/accused is inside the prison since the last 2 years. He relied on the post mortem notes wherein the cause of death is mentioned as 'Septicaemia with perforative peritonitis as a result of complications following incised injuries'. He submitted that the deceased died 13 days

after the incident of assault. Thus, the injuries inflicted by the applicant/accused cannot be considered as direct cause of the death of the deceased. He prays for bail.

2. The learned Prosecutor appearing for the Union of India opposed the bail. He submitted that there were a number of injuries. There were in all 14 injuries including abrasions and incised wounds and four were caused on the vital parts on the body i.e., neck, abdomen, stomach and chest. The learned Prosecutor has, therefore, submitted that it is not a case where the applicant/accused is to be bailed out.

3. It is true that the cause of the death is attributed to Septicemia. However, Septicemia is caused due to the injuries which were inflicted by the applicant/accused. There were not one or two injuries but more incised wounds found on the body of the deceased. Considering this fact, I am not inclined to grant bail. The bail application is, therefore rejected. However, in view of the cause of the death, I grant liberty to the applicant/accused to move second application for bail after one year if the trial does not commence till then.

4. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)