

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

BAIL APPLICATION NO.2188 OF 2015

Alim Salim Pathan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Umesh R. Mankapure for the Applicant.

Mr. Y.M. Nakhwa, APP for the Respondent - State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant who is arrested in C.R. No.37 of 2015 registered with Miraj Police Station, Dist-Sangli, for the offences punishable under sections 302 r/w. section 34 of the IPC and section 3 (25) of the Arms Act.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent- State.

3. The case of the prosecution in brief is as under:

On 22.2.2015 the Applicant alongwith co-accused had

entered into a conspiracy to commit murder of the deceased Akram Shaikh. It is stated that the co-accused (accused No.5) had divorced his wife and the deceased was planning to marry the wife of the accused No.5. The accused No.5 had therefore a grudge against the deceased and hence, he alongwith the others entered into conspiracy to commit murder of the deceased.

4. The statements of the eye witnesses prima facie reveal that the Applicant was present at the place of the incident. The statement of the eye witness prima facie reveals that the Applicant and two other unknown persons had gone to the caram center owned by the deceased armed with weapons and had caused death of the deceased -Akram Shaikh by means of a fire arm as well as by inflicted injuries by sickle and chopper.

5. The post mortem report prima facie reveals that the deceased had sustained 33 injuries, most of which were on vital part of the body. The nature of the injuries reveal that the death was caused in a most brutal manner. The gravity of the offence itself is sufficient to decline the bail. Furthermore the trial has not commenced and the eye witnesses are yet to be examined. Releasing the Applicant at this

stage would hamper the trial.

6. The learned APP has also brought to my notice that two other crimes under sections 326 r/w.34 of IPC and under sections 336 and 427 of the IPC are registered against the Applicant with Sangli City police Station. Criminal antecedents of the Applicant yet another factor, which would not justify grant of bail.

7. Under the circumstances, the application is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)