

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2224 OF 2015

Mr Raiyaz Firoz Shaikh v/s	 Applicant
The State of Maharashtra	 Respondents

Mr Navin R. Tiwari for Applicant.

Ms Rutuja Ambekar, APP for Respondent – State.

CORAM : A.S. GADKARI, J
DATE : 17th December, 2015

P.C.:-

1. The Applicant is seeking bail in C.R. No.293 of 2015 registered with Malvani Police Station, Mumbai, for offences under sections 324, 326, 504 and 34 of IPC r/w 37(1) of Mumbai Police Act.

2. The complainant Abdul Azim Mohamed Nazir Shaikh has lodged the FIR with the Police that the deceased Abdul Latif Noor Mohamed Shaikh, when refused to give his motorcycle to the Applicant for a ride, the applicant by the aid of punch having pointed spikes, gave blows on the right side of the neck and behind the right ear to the deceased. Initially, an offence under section 326 with

other provisions of IPC was registered on 16th May 2015. The victim Abdul Latif Noor Mohamed Shaikh expired on 20th May 2015 and therefore, section 302 of IPC has now been added to the said crime.

3. The version of the complainant is fully corroborated by the medical evidence which is annexed at page 89 (P.M. Notes). In the column No.17 of the post mortem notes, the injury Nos.1 and 7 specifically corroborate the version of the complainant. The cause of death of the deceased has been mentioned in the post mortem notes as "lung collapse due to bilateral pneumothorax and pneumomediastinum with massive subcutaneous emphysema as a complication following stab injury over neck, involving right jugular vein operated (unnatural).

4. Thus, it is clear that the death of Abdul Latif Noor Mohamed Shaikh has caused due to the injuries inflicted by the Applicant. Apart from the said fact, the Applicant is involved in four other crimes. The record further discloses that when the Applicant was on bail in C.R. No.76 of 2015 registered with Malvani Police Station, has committed the present crime.

5. In view of the above, I am not inclined to grant bail. The Applicant's Application is therefore rejected.

(A.S. GADKARI, J)

VRD