

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.43 OF 2016

Mujahid Mukhid Kureshi,
Age 25 years, Occu. Labour,
R/o Murtuza colony, Pathri,
Taluka Pathri, District Parbhani

.. Applicant

Versus

The State of Maharashtra
through Police Station, Pathri,
Taluka Pathri, Dist. Parbhani

..Respondent

Mr S.K. Chavan, Advocate for appllicant
Mr K.D. Mundhe, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st February 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.154/2015 for offences punishable under Sections 302 and 201 of Indian Penal Code.

3. Learned Counsel for the applicant would urge that the investigation in the matter is complete and charge-sheet is already filed. According to him, the applicant is roped in on the basis of circumstantial evidence, which in his opinion, is a very weak piece of evidence. Apart from above, he would urge that the applicant may be put to certain stringent conditions. He would then urge that the deceased Kisan was also having enmity with other two persons and sought to rely upon certain statements to that effect.

4. Learned A.P.P. opposed the application on the ground that the applicant has a criminal history and there is last seen theory. Learned A.P.P. has sought rejection of the application.

5. Perused the contents of charge-sheet. There are three witnesses, who have named the present applicant as last seen with deceased Kisan.

6. Apart from above, the applicant's criminal mind is reflected from the fact that in two cases of theft, the applicant was acquitted and there are other two offences, registered against him.

7. Looking to the nature of evidence available against the applicant, in my opinion, it will not be appropriate to grant bail to the applicant. As such, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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