

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

**CRIMINAL BAIL APPLICATION NO.252 OF 2017**

Altaf Afzal Mansuri

...Applicant

*Versus*

State of Maharashtra

...Respondent

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Mr. Imran Shaikh for the applicant.

Mr. R. M. Pethe, APP for the respondent – State.  
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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 07 JUNE 2017**

**P.C. :**

1. This is an application for bail in connection with C.R. No.46 of 2017 registered with Mankhurd Police station for the offence punishable under Section 302 of the IPC.

2. The prosecution case is that the applicant / accused was under the influence of liquor. He assaulted the deceased outside the liquor bar with knife. The deceased died on the spot.

3. Learned advocate for the applicant submits that the incident had occurred while the applicant was under intoxication. He submitted that the prosecution is relying on the statement of one

Ramesh Shetty and Nazir Pathan. He submitted that the statement of Ramesh Shetty was recorded belatedly. He also submitted that the statement of Ramesh Shetty was recorded on prior to recording of FIR. He therefore submitted that the complainant's statement cannot be treated as the First Information Report. He further submitted that the accused / applicant is of tender age and having no criminal antecedents.

4. I have perused the First Information and the other documents which form the part of the chargesheet, Learned APP, Mr. Pethe submitted that there is direct evidence against the applicant in the form of statement of Nazir Pathan, Ramesh Shetty as well as Pravin Stephen. He submitted that these eye witnesses have implicated the applicant and attributed overt act to him. He pointed out the postmortem report which shows that there were seven injuries on the person of the deceased which were result of blows given by the applicant by knife.

5. I have considered the material on record. Admittedly there are eye witnesses who implicated the applicant and attributed overt act of assault by knife upon the deceased. The deceased had suffered serious injuries on account of knife blows. The submission of the

learned advocate for the applicant that he was under intoxication and thereby committed offence is devoid of any merits. It is noted that applicant was carrying knife and all of sudden gave blows on the deceased and as a result of assault the deceased has succumbed to the injuries.

6. Taking into consideration the nature of evidence against the applicant, I am not inclined to grant bail to the applicant.

**:: ORDER ::**

Criminal Bail Application No.252 of 2017 is rejected.

**[PRAKASH D. NAIK, J.]**