

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

CRIMINAL BAIL APPLICATION NO.1065 OF 2017

Imran Ansar Shiledar	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Satyavrat Joshi for the applicant.

Mr.A.P. Palkar, Additional Public Prosecutor for the respondent.

CORAM : T.V. NALAWADE, J.

DATE : 23rd August 2017

P.C. :

. The application is filed for relief of bail in C.R. No.167 of 2015 registered with Sargate Police Station, Pune for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code and under Sections 4(25) of the Arms Act. Both the sides are heard. Charge sheet is already filed in the aforesaid case by the police and so papers of investigation were made available for perusal of this Court.

2. The material collected by the police show that there are eye witnesses to the incident. The first informant was also witness to the incident. The incident in question took place due to previous incident in which the deceased was involved. The material collected shows that the main accused Mehboob Jabbar Pathan and his three associates were virtually waiting for coming of the deceased at the place. When the deceased arrived there, they rushed towards the deceased and assaulted him by weapons like palgan and kukari. The present applicant was not known to the eye witnesses but in test identification parade, applicant came to be identified. There are other articles like blood stained clothes

seized after his arrest. The incident took place on 23rd July 2015. He came to be arrested on 24th July 2015. Thus there is a material on motive. There is evidence of eye witnesses and there is other circumstantial evidence.

3. Learned counsel for the applicant submitted that there are some discrepancies in the record of the test identification parade and the exact role played by the present applicant is not appearing in the test identification parade. This Court holds that such defect cannot be considered at this stage. In the matter, appreciation of evidence will be done by the Trial Court. At present, the material collected by the police is more than sufficient to make out a prima facie case of murder against the applicant. The present applicant had played active role in murdering the deceased. The post mortem report shows that as many as 21 ante mortem injuries were found on the dead body. Most of the injuries were incised injuries, chop wounds and stab injuries. Death took place due to these injuries.

4. In view of the material collected, it can be said that the post mortem report is consistent with the versions given by the eye witnesses. The incident took place in the presence of many persons and that show that the applicant and his associates were not afraid of anybody. There will be danger to life of eye witnesses from the applicant. If bail is given to the present applicant, there is possibility of tampering with the prosecution witnesses. This Court holds that it is not a fit case where the discretion can be used and bail can be given to the present applicant. Application is rejected.

T.V. NALAWAE, J.