

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2926 OF 2018**

Meheboob @ Feroz Chandsab JamadarApplicant

V/s.

The State of MaharashtraRespondent

Mr. Ujwal R. Agandsurve for the applicant.

Mr. Ajay Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 02nd NOVEMBER, 2018.

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.68/2018 registered at Faujdar Chawdi Police Station, District Solapur for offences punishable under sections 302 of the Indian Penal Code.

2. Heard Mr.Ujwal Agandsurve, learned counsel for the applicant. He submits that there is no prima facie material on record to show the involvement of the applicant in the aforesaid crime. There are material contradictions and variations in the statements of the witnesses. Mr. Ajay Patil, learned APP submits that the statement of the first informant as well as the mother-in-law of the deceased prima facie proves the involvement of the applicant. He submits that the offence is

of grave nature and that the applicant is not entitled for bail.

3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by Faimida Firoz Ansari, the sister-in-law of the deceased. The first informant has stated that on 12/02/2018, at about 12:00 p.m., the deceased Bilkis had told her that the applicant came to the house and that he had snatched her mobile phone. Said Bilkis had requested the first informant to inform the said incident to her mother-in-law. Accordingly, the first informant went to Laxmi Market to inform her mother about the incident. She has stated that her mother had received a phone call from Bilkis and Bilkis had told her to come home immediately. The first informant and her mother, Bismilla therefore, went home and saw the applicant herein fighting with the deceased. The first informantion report as well as the statement of Bismilla, the mother-in-law of the deceased prima facie indicates that the applicant was suspecting that Bilkis was having illicit relations. They have stated that the applicant had removed a knife from his pant pocket and when questioned about the same, he said he had brought the same to cut the watermelon. The first informant has

stated that on 13/02/2018, at about 06:30 a.m., while she was sleeping, she had heard Bilkis crying. When she came out of the room, she saw Bilkis fallen on the floor with bleeding injuries. She also saw the applicant going away from the spot. She called out the applicant but he abused her and ran away from the spot.

5. The medical report also prima facie reveals that Bilkis has sustained 13 injuries in the nature of stab wounds and incised wounds. The Doctor has opined that the death was due to : *shock and hemorrhage due to cut throat and along with stab injury over epigastrium region (unnatural)*.

6. The statement of the first informant as well as the witnesses prima facie indicates that on the previous day, the applicant had quarreled with the deceased. The material on record also proves that Bilkis was stabbed and the applicant was seen running away from the spot. The material on record prima facie proves the involvement of the applicant in committing the crime. The offence is of serious nature. The gravity of the offence does not justify grant of bail.

7. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)