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

CRIMINAL BAIL APPLICATION NO. 480 OF 2019

Manjur Ahmed Alias ShahabuddinApplicant
Hakimuddin Umarkhe

V/s.

The State of MaharashtraRespondent

Mr. Shivraj Kunchge a/w Mr. Kishor Ajetroa & Ramji Kotali for the
applicant
Mr. S. H. Yadav APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 26, 2019.

P.C.

Applicant is seeking regular bail in Crime No. 425/2018 registered with Kondhwa Police Station, Pune for offence punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code and section 4 & 25 of the Arms Act, after having been arrested on 26/07/2018.

2 The submissions are it was never the intention of the applicant

to kill the deceased. It is claimed that the only role attributed to the applicant from the contents of the F.I.R. is assault by fist blows and it is another accused Nimatullah Ahmadi who is absconding has gave repeated stab injuries to the deceased.

3 The learned APP submits that the main accused is absconding and an innocent student has lost his life.

4 Having appreciated the submissions, what is noticed is applicant, a foreign national is involved in a serious offence which is punishable with life or death.

5 However, this Court also needs to appreciate the motive and intentions of the applicant. It cannot be inferred from the prosecution case that applicant was armed with any weapon. Eye witnesses have attributed restricted role to the applicant to the extent of assault by fist blows. There are no antecedents.

6 That being so, applicant, in my opinion deserves to be released on bail.

(A) Applicant be released on bail in Crime No. 425/2018 registered with Kondhwa Police Station, Pune on executing P.R. bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

(C) If applicant remain absent on two consecutive dates before the Sessions Court, the Sessions Court will be at liberty to take applicant into custody.

(D) The passport of the applicant shall remain in the Sessions Court and applicant shall not leave the country without prior permission of the learned Sessions Court.

7 Application stands disposed of.

[NITIN W. SAMBRE, J.]