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

CRIMINAL BAIL APPLICATION NO.750 OF 2019

Sohrabali Annavarali Shah

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.S.V.Marwadi a/w Mr.V.S.Pandey i/b Mr.S.U.Pandey, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.48 of 2017 registered with the MIDC Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 326, 342, 143, 144, 147, 148, 149, 506(2) and 120B of the Indian Penal Code
3. Perused the papers. According to the complainant – Abdul Mohasin Shaikh (injured), the incident took place on 3rd February, 2017 at

about 11.15 a.m. He has alleged that the applicant along with other co-accused called Wasiullaha Shaikh (deceased) to a Gala at Andheri for lunch, and thereafter all the accused including the applicant assaulted Wasiullaha (deceased) and him (complainant) with iron rods, pipe on their hands, legs, stomach, chest and back. The motive alleged against the applicant is, that a case was registered as against him (applicant) with Niphad Police Station, which was registered vide C.R.No.146 of 2016, and as such the applicant was a wanted accused in the said C.R. It is alleged that Wasiullaha (deceased) was a police informer and gave information about the whereabouts of the applicant, pursuant to which, the applicant harboured a grudge against Wasiullaha (deceased). It is alleged that pursuant thereto, all the accused conspired with each other, called Wasiullaha (deceased), to the Gala on the pretext of having lunch and thereafter assaulted him. A perusal of the postmortem report shows that Wasiullaha (deceased) had sustained multiple injuries. A perusal of Column No.17 of the postmortem report shows, that Wasiullaha (deceased) had sustained as many as 12 injuries. Apart from the complainant/injured there is another injured – Shamsuddin Shah, who has also disclosed the complicity of the applicant in the alleged offences. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

4. Considering the material against the applicant, this is not a fit case to enlarge the applicant on bail.

5. Hence, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

6. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.