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

CRIMINAL BAIL APPLICATION NO.1093 OF 2019

Amit Kumar @Ammu @Shikandar Bhatham	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.K.Upadhyay, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PC – Mithbawkar, Versova Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JULY, 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.54 of 2018 registered with the Jogeshwari Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 397 of the Indian Penal Code and under Sections 37(1) r/w 135 of the Maharashtra Police Act.

3. Perused the papers. The prosecution case rests on circumstantial evidence. The complainant is the brother of the deceased – Gulam Jabir Samim Khan, who has lodged the aforesaid complaint, as against unknown person. The incident of assault has taken place in the intervening night of 10th April, 2018 and 11th April, 2018 between 1.00 to 2.00 a.m. There are two eye-witnesses who had last seen the applicant alongwith the deceased in the intervening night of 10th April, 2018 and 11th April, 2018 at 12.30 a.m. According to the said witnesses, they were waiting at the rickshaw stand, when the applicant took the deceased somewhere. There is recovery of blood stained knife, at the instance of the applicant. There is also recovery of silver ornaments belonging to the deceased. The possibility of the applicant tampering with the witnesses and threatening them, cannot be ruled out.

4. Considering the aforesaid, 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, having regard to the age of the applicant, the trial of the

applicant is expedited.

6. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.