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

CRIMINAL BAIL APPLICATION NO.1474 OF 2019

Shaikh Yusuf Shaikh Kadar (Maniyar)	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.P.Runwal, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 4th 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.114 of 2018 registered with the Nandgaon Police Station, Nashik, for the alleged offences punishable under Sections 302, 120B, 143, 147, 148 and 149 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, Shabbir Pathan was travelling with Mohsin (deceased) on a motorcycle, when the

alleged incident took place on 26th June, 2018 at about 5.30 p.m. According to Shabbir Pathan, the present applicant came to the spot along with other co-accused (named and un-named) and assaulted Mohsin (deceased). The applicant along with Sadiq is alleged to have assaulted Mohsin with a knife on his chest, thigh and back. According to the prosecution when the incident of assault started, Shabbir informed his son – Asif, who came to the spot in a Max Taxi and found the accused person at the spot, assaulting his brother – Mohsin. Mohsin succumbed to his injuries. The postmortem report shows that Mohsin had suffered multiple stab injuries and the said injuries are consistent and corroborates the ocular evidence. If the applicant is enlarged on bail, the possibility of the applicant tampering with the witnesses cannot be ruled out.

4. Considering the *prima facie*, material on record, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the application for bail is rejected and disposed of as such.

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.