

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

CRIMINAL BAIL APPLICATION NO. 1804 OF 2019

Bilal Gaus Sayyed @ Bilal S. Sayyed	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rajesh Jaiswar a/w S.C. Kewat, for the Applicant.
Mr. P.H. Gaikwad-Patil, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th 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. 309 of 2018 registered with the Deonar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 323, 504, 34 of the Indian Penal Code and Sections 37(1)(A), 135 of the Maharashtra Police Act.

3. According to the prosecution, a few days prior to the incident i.e. on 23rd September, 2019, there was a quarrel between the applicant and

the deceased-Dharma, over loading of bullock. In the said quarrel, the applicant is alleged to have taken Dharma's mobile. Pursuant thereto, on 30th September, 2018, Dharma and his friend i.e. Mohammad Qureshi went to meet the applicant, as Dharma wanted his mobile. It is alleged that at that time, a quarrel took place between the applicant and Dharma. It is alleged that two co-accused assaulted Dharma with fist and kick blows and that the applicant went running to a public toilet and brought one “*tocha*”(used for breaking ice) and assaulted Dharma on his chest with the said “*tocha*”. Pursuant thereto, Dharma collapsed and was declared dead before his admission in the hospital. The complainant-Mohammad Qureshi, a friend of deceased- Dharma, was present on the spot at the time of the alleged incident. There are three other eye witnesses who had seen the incident of assault i.e. Mohd. Rehman, Iqbal Pathan and Akbar Khan. The post-mortem report shows that the deceased-Dharma had sustained a stab injury over the left side of his chest and the cause of death is stated to be 'stab injury on the chest'. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

5. Considering the aforesaid, this is not a fit case to enlarge the

applicant on bail. Accordingly, the application is rejected. However, the trial 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.