

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1348 OF 2018

IN

CRIMINAL APPEAL NO. 989 OF 2018

Rehan Mohammad Rizwan Ansari ... Applicant

Versus

State of Maharashtra ... Respondents

Mr. Rohan Surve for the applicant.

Mrs. M.H. Mhatre, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
P.D. NAIK, JJ.**

DATE : MARCH 15, 2019

P.C.:

The applicant convicted for the offence under section 302, 201 of IPC and under section 3 read with 25 and 27 of the Arms Act is before this Court with a request to release him on bail. The contention is report received from the ballistic expert does not find any consideration in the entire judgment, PW No. 11 who claims to be eye witness has been established to be un-creditworthy and the doctor who carried out the post mortem did not bother to find out the exact time of death. Submission is the evidence of other

witnesses is either immaterial or they have turned hostile.

2. Learned APP has pointed out that the report of the ballistic expert is already exhibited during the trial and was not in dispute. She submits that the evidence of PW 11 is natural. PW 6 has also given true answers.

3. We have perused the evidence of PW 11. Though certain omissions are brought on record, we cannot at this stage say that the same are on material part of the offence. His deposition about the main incident appears to have remained unshaken.

4. In this situation, at this stage, no case is made out for release of the accused on bail. Application is rejected.

(P.D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)