

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (BA) No.464 of 2019
(Sheikh Kabir Sheikhji .vs. State of Maharashtra through PSO PS
Samudrapur, Dist. Wardha.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders

Court's or Judge's orders.

Mr. T.G. Bansod, Advocate for Applicant
 Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 11, 2019.

The applicant herein has approached this Court seeking bail in respect of offences registered against him under Sections 302, 504 and other provisions of the Indian Penal Code. The incident is said to have taken place on 03.11.2018 and it is alleged that the applicant assaulted the victim by means of thick iron rod causing severe injuries to the head, resulting in the death of the victim.

2. The report was lodged by the father of the deceased, who is also an eyewitness. In this case, upon completion of investigation, the charge-sheet has been filed. It is pointed out that apart from the informant, there were other persons who were also eyewitnesses to the incident.

3. The learned counsel appearing for the applicant has emphasized on the fact that the analysis of the blood report of the victim demonstrated that he had alcohol in his blood indicating that he was perhaps intoxicated and that while riding his motorcycle, he fell

and thereby caused injuries and ultimately his death. On this basis, it is contended that the applicant could not be said to be responsible for the death of the victim.

4. But, the learned APP has invited attention of this Court to the C.A. report of the iron rod, which was recovered at the behest of the applicant. The report shows that there was human blood found on the said rod. It is also pointed out by the learned APP that the P.M. report shows that there were at least three severe injuries suffered by the victim on his head, on the frontal, parietal and occipital regions. The report also shows there are no significant injuries or bruises found on the body of the deceased thereby indicating that the theory propounded on behalf of the applicant that the victim might have fallen from his motorcycle and suffered injuries, *prima facie*, does not appear to be supported by material on record.

5. Considering the seriousness of the offences and the fact that there are eyewitnesses to the incident as also the fact that there is recovery of weapon with blood stains, this Court is of the opinion that the present application does not deserve to be granted. Accordingly, the present application is rejected.

6. It is made clear that the observations made in this order are limited to the question of grant or rejection of bail to the applicant.

JUDGE