

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (BA) NO.1127/2019**

**Faraz Ahmed Khan Wajid Khan**

**..VS..**

**State of Mah., thr. PSO PS Washim City, District Washim**

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

Court's or Judge's Order

.....  
Shri M.N.Ali, Counsel for the Applicant.  
Shri V.A.Thakare, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE, J.**

**DATED : DECEMBER 16, 2019.**

1. Heard learned counsel Shri M.N.Ali for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused reply filed on behalf of the State and chargesheet.

2. First Information Report is lodged by brother of deceased. Deceased's name is Sk.Sabir Sk.Shabbir. First informant Sk.Sagir Sk.Shabbir is eyewitness. The report is lodged on date of incident itself i.e. 10.8.2019. On the day of incident, Sk.Sabir Sk.Shabbir when was proceeding on foot to his house, he was followed by the first informant. At that time, 3 persons including the present applicant came on motorcycle and picked up quarrel with Sk.Sabir Sk.Shabbir. According to the First Information Report, co-accused Samir Sk.Mirza and the present applicant assaulted Sk.Sabir

Sk.Shabbir on his forehead and nose. Role attributed to the applicant is that he assaulted by means of iron pipe. Whereas, role attributed to co-accused Samir Sk.Mirza is that he assaulted by means of stone.

3. Learned counsel Shri M.N.Ali for the applicant, submitted that one of co-accused Abdul Aslam Abdul Jamil is released on bail by this Court.

4. Role attributed to the said co-accused Abdul Aslam Abdul Jamil was not of assault but his role was that he provided aid in assaulting deceased by holding him and, therefore, he was released on bail. His case cannot be considered for considering the present bail application since against the present applicant specific allegation is that he assaulted by means of iron rod.

5. Postmortem report shows that cause of death is head injury due to hemorrhage shock. Column No.17 shows that there were post antemortem injuries and fracture to nasal bone. Eyewitnesses Abdul Areef and Yasmin Bano also attributed role of assault by the applicant by means of iron rod. Query report is also part and parcel of chargsheet. Medical Officer has also given his opinion that weapon i.e. iron rod, seized on memorandum statement of co-accused, when it was referred to the said Medical Officer he opined that the said weapon can cause injuries as noticed in postmortem report. In view of statements of eyewitnesses and also fact that one of weapons is also seized at applicant's behest, in my view, this is not a case for praying bail since

due to brutal assault made by the applicant one person lost his life.

6. In view of the above, the criminal application is rejected and disposed of accordingly.

**JUDGE**

!! BRW !!