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

ANT. BAIL APPLICATION NO.711 OF 2020

Ashish Rakesh Mishra ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. S.K.Pandey for the Applicant.

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

CORAM : SANDEEP K. SHINDE J.
DATE : 4th November, 2020.

P.C. :

Heard.

2 On 16th October, 2019, dead-body of Nigerian national was found on the street. Police thus, recorded accidental death. Body was sent for post-mortem. Report shows, death was homicidal since more than 29 injuries were found on the person of the deceased. Thus, offence under Section 302 of the Indian Penal Code, 1860 came to be registered against unknown persons on 24th October,

2019 vide Crime No.1197 of 2019 with Tulinj Police Station.

3 In the course of the investigation, officer has recorded statements of four eye witnesses on 25th and 26th October, 2019. At-least, two eye witnesses disclosed the name of the applicant, attributing his presence on the spot and causing assault on the deceased. Though it is submitted by the learned counsel for the applicant that the statements of eye witnesses are full of contradictions and not believable, however, at this stage, I have no reason to disbelieve eye witnesses. Therefore, this contention is rejected. It is further submitted by the learned counsel for the applicant that though his alleged complicity in the crime disclosed in October, 2019, police did not make any efforts to arrest him. Submission is, therefore, that his custody is not required. It is also submitted that applicant is permanent resident of Tulinj and his presence for trial can be secured by imposing suitable conditions.

4 Statements of eye witnesses, prima-facie, show, applicant's complicity in the crime. Offence registered

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against him is punishable with life imprisonment or death.

5 In view of these facts, no case is made out for granting anticipatory bail to the applicant. It is rejected.

(SANDEEP K. SHINDE, J.)