

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

CRIMINAL BAIL APPLICATION NO.1339 OF 2019

Mohammed Ismail Kalim Ahmed @ Aiyywa & OrsApplicants
V/s.

The State of MaharashtraRespondent

Mr. A. A. Khan, i/b Rameshwar N. Gite, for the Applicant.
Mr. Geeta P. Mulekar, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 07th January, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No. I-118 of 2018 registered with Azad Nagar Police Station, Malegaon, District- Nashik, for offences punishable under Section 302 of the Indian Penal Code r/w 4/25 of the Arms Act.
2. The case of prosecution is that, deceased Abdul Rahim Nisar Ahmed and Deshi dada were assaulted by several persons. The eye witnesses mentioned that, the victim was assaulted by Jalla Dada and Aiyywa by sword. On completing investigation charge sheet is filed.
3. Learned Advocate for the applicant submitted that, the applicants are falsely implicated in this case. The co-accused are

granted bail. The applicants are not known by nick name Jalla Dada or Aiyawwa.

4. Learned APP submitted that there is motive for the applicants to kill deceased. Learned APP submitted that there are several eye witnesses who implicated the applicants. The applicants are attributed role of assaulting the victim. There is recovery of knife at the instance of the applicant No.1. and sword from applicant No.2. Blood stained cloths were also recovered. It is submitted that, fourteen cases were registered against the applicant No.2 and two cases were registered against applicant No.1. Learned counsel for the applicant submits that majority of the cases resulted in acquittal.

5. I have perused First Information Report and the statements of eye witnesses. Prosecution case is that the applicants had assaulted the victim. The other accused who were granted bail were not named in the statement of eye witnesses. There is recovery of blood stained cloths and weapons. Considering the circumstances, no case for grant of bail is made out.

ORDER

(i) Bail Application No.1339 of 2019 is rejected.

(PRAKASH D. NAIK, J.)