

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1340 OF 2019

Vakil Khan Aziz Khan, Age 31 years,
R/o.Mominpura, Tara Building,
Near Chand Bakery, Malegaon,
District Nashik.
(Presently lodged in jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.A.PMundargi, Senior Advocate, i/by Rameshwar N. Gite for applicant.

Mr.M.G.Patil, APP, for State.

Mr.Shakil Rashid Shaikh, API, Pawarwadi Police Station, Nashik Rural, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th February 2020

PC :

1. This is an application for bail in CR No.I-96 of 2018 registered with Pawarwadi Police Station, Malegaon, District Nashik for offences under Sections 302, 143, 147, 148, 149, 504, 506, 323 of Indian Penal Code.

2. The case of the prosecution is that Ahmed Umar Mohamad Fazal lodged the FIR on 17th September 2018 alleging that on 30th November 2015 one Sayeed Rashid had molested his elder sister Asefa Bano and therefore she had lodged a complaint against him and on the basis of the same complaint he was arrested. It is alleged that on the basis of said case, Iqbal Khan and others including the applicant had threatened her to withdraw the case or face the

consequences. On 15th September 2018 the complainant and his father were going to their residence at 7.30 pm. AT that time the applicant and Sayyed Rafique Sayyad Rashid, Sayyad Saeed Sayyad Rashid, Muzzammil, Afzal Khan, Jamal Ahmed and Jalal Ahmed had called them and stopped. The complainant and his father was reminded of withdrawal of case. All of them started assaulting them. The applicant had assaulted by wooden log. Others have also assaulted by wooden log and iron rod. The father of complainant sustained injuries. He was taken to hospital. He was declared dead. Investigation proceeded and charge sheet is filed.

3. During the course of hearing of this application pen drive with regards to CCTV footage was handed over to the investigating officer as it was the contention of the applicant that he was not present at the scene of offence. The investigating officer has tendered report with regards to CCTV footage, which do not support version of applicant.

4. Learned counsel for applicant submitted that the applicant is in custody from the date of arrest. The role attributed to the applicant is of assaulting by wooden log. The allegations are vague. Learned counsel also points out the nature of injuries sustained by the deceased in post mortem report. It is submitted that there were no blood stains on the clothes.

5. Learned APP submitted that there is sufficient evidence against applicant. There are six eye witnesses to the incident. There is recovery of clothes. The complainant has named the applicant in the FIR. The role has been ascribed to him. The applicant had assaulted

the deceased. There are eye witnesses to the incident. The post mortem report indicates injuries sustained by the deceased. In the light of evidence, no case for grant of bail is made out. Criminal Bail Application No.1340 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST