

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2184 OF 2019

Uberalam Ijabuddin Khan	...Applicant
V/s.	
The State of Maharashtra	Respondent

Mr. Faisal F. Shaikh, Advocate for the applicant.
Mr. S.R. Agarkar, APP for Respondent-State.
Mr. Vijay Kadam, P.S.I., Kurar Police Station
(present).

CORAM : SANDEEP K. SHINDE, J.

Friday, 31st January, 2020.P.C. :

Heard.

1. Applicant seeks enlargement on bail in Crime No. 197/2016 registered with Kurar Police Station for the alleged offences punishable under Section 302, 449 of the Indian Penal Code, 1860 ("IPC" for short) and Sections 37(i)(a) r/w 135 of the Bombay Police Act, 1951.

2. I have perused the final report. Complainant is wife of the deceased, who witnessed

the incident while Deceased is the brother of the applicant. Neighbour of the complainant is an eye witnesses. It has been stated that the applicant was found near the spot on the incident with blood stained clothes by officer of patrolling duty. The evidence on record shows the applicant's complicity in the crime, which is punishable with life or death.

3. Though the applicant is in the custody since 2016, it is not a fit case to release the applicant on bail and even otherwise now the Sessions trial is scheduled to commence on 26th February, 2020.

4. The application is rejected.

5. It is made clear that the observations made hereinabove shall be construed as expression of opinion only for the purpose of refusal of bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)