

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 592 of 2020)

*[Mohammad Danish Jahid Hussain Vs. State of Maharashtra through P.S.O., P.S., Shegaon City,
Tq. Shegaon, Distt. Buldana]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. A. Mohta, Advocate for the applicant
Shri J. Y. Ghurde, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 30/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Mohta for the applicant. He has submitted that the applicant is arrested for the offences punishable under Sections 302, 120-B and 201 of the Indian Penal Code. Learned Advocate has pointed out statement of witness Ishwar Gajanan Mali and others. Learned Advocate has submitted that identification parade were not conducted and, therefore, their statements are doubtful. Learned Advocate has submitted that investigation is complete and charge-sheet is filed. Learned Advocate has submitted that stringent condition may be imposed. The applicant will attend the trial Court regularly.

3. Learned Additional Public Prosecutor has strongly objected the application. He has submitted that applicant

is the main accused. The weapon is recovered from him as per the memorandum under Section 27 of the Indian Evidence Act. There is every possibility of threatening the witnesses. Therefore, the application is liable to be rejected.

4. From the perusal of charge-sheet, it appears that the incident was recorded in CCTV footage. The applicant was found while inflicting the blows of knife on the person of deceased. Witness, Ishwar Gajanan Mali has specifically stated that the applicant Sheikh Danish caught hold deceased Shoab and inflicted the blows of knife on his chest and neck. The witness was frightened. He saw the applicant running from the spot of incident.

5. Learned Additional Public Prosecutor has submitted that the applicant tried to destroy the evidence by burning his clothes.

6. Investigation is complete. Charge-sheet is filed. There is every possibility of completing the trial in near future. *Prima facie* applicant is the main accused who has committed murder of deceased by suspecting him that he was harassing and defaming image of his sister. 19 injuries were found on the dead body. Looking to the evidence on record, the applicant is not entitled for bail. In the result, the application is rejected.

7. This order be communicated to the Counsel

appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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