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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1110 OF 2021**

1] Salauddin Yamin Ansari
2] Kasimuddin Yamin Ansari

.... Applicants

V/s

State of Maharashtra

.....Respondent

Mr. Satish K. Ingale for the Applicant.

Mr. M.G. Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 06, 2021

P.C.:-

1] Applicants were arrested on 24/8/2020 on the charge of murder of one Roshanlal. Crime No.415 of 2020 came to be registered against the Applicants with Mahatma Phule Chowk Police Station, Kalyan for the offence punishable under Sections 302, 323, 504, 506, 34 of the Indian Penal Code.

2] Learned Counsel for the Applicants submits that overt act attributed to the Applicants in commission of crime is in relation to assault by fist blows and kicks. He would claim that Roshanlal has

expired because of myocardial infraction and as such cause of death cannot be attributed to the Applicants.

3] Learned APP opposed the prayer for bail on the ground that there are criminal antecedents and eye witnesses to the incident of murder.

4] Considered submissions.

5] Out of business rivalry, Applicants appear to have attacked the complainant Amarbahadur Kanojia. In the said quarrel, deceased Roshanlal intervened. However, he was also assaulted by the Applicants by fist blows and kicks. As a consequence, Roshanlal died. However, cause of death is mentioned as cardio-respiratory arrest due to myocardial infraction. Perusal of the postmortem report reflects that victim has suffered very nominal injuries and even details of which are not spelt out therein. As such, overt act of the Applicants cannot be inferred to be the cause for death of Roshanlal. Charge-sheet is already filed in the matter. As such, case for grant of bail is made out.

6] Applicants are directed to be released on bail in Crime No. 415/2020 registered with Mahatma Phule Chowk Police Station, Kalyan for the offence punishable under Sections 302, 323, 504, 506, 34 of the Indian Penal Code, on execution of P.R. Bond in the sum of Rs 50,000/- each with one or more sureties in the like amount. Applicants shall neither tamper with the evidence nor try to directly or indirectly influence the prosecution witnesses and complainant. Applicants shall stay out of the jurisdiction of the said Police Station till conclusion of the trial.

(NITIN W. SAMBRE, J.)