

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

BAIL APPLICATION NO.1195 OF 2020

Sajjad Ali Safat Ali ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Waris Pathan for the Applicant.

Mrs. Veera Shinde, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 4th JANUARY, 2021.

P.C. :

Heard.

2 Applicant is seeking his enlargement on bail in connection with Crime No.I-178 of 2019 registered with Uran Police Station for the offences punishable under Sections 302, 326 of the Indian Penal Code, 1860.

3 The learned counsel for the applicant would contend that the co-accused has been released on bail and since charge-sheet has been filed but since the trial is not

likely to commence in near future, he may be granted bail by imposing stringent conditions.

4 I have perused the charge-sheet. There are more than three eye witnesses, who had seen the applicant assaulting the deceased by knife on chest. Corresponding injuries were noted in the post-mortem report. That apart, complainant, who had tried to intervene the quarrel, was also assaulted. Resultantly, he was admitted in the hospital where his statement has been recorded, whereupon subject crime came to be registered.

5 Thus, having regard to the material on record as stated above, I have no reason to disbelieve the statements of eye witnesses; also, recorded under Section 164 of the Code of Criminal Procedure, 1973.

6 So far as the co-accused, who has been granted bail, is concerned, role attributed to him was altogether different in the sense, he allegedly assaulted the deceased by kicks and fist-blows.

7 In consideration of the facts of the case, role attributed to the applicant and the offence being punishable with life imprisonment or death, application is rejected.

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

(SANDEEP K. SHINDE, J.)