

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1986 OF 2021**

Qazi Irfan Ahmad Salahuddin @ Ippu .. Applicant
Versus
State of Maharashtra .. Respondent

...

Mr.Mahendra Sandhyanshiv for the Applicant.
Mr.Y.M.Nakhawa, APP for the State.

...

**CORAM: BHARATI DANGRE, J.
DATED : JULY 26, 2021**

P.C:-

1. The applicant is charge-sheeted for the offence punishable under Sections 307 and 302 of the Indian Penal Code (for short, "the IPC") and he is seeking his release on bail in connection with the said C.R. registered with Azad Nagar Police Station, Malegaon. In connection with the said crime, he came to be arrested on 14/09/2020 and his release is sought on the ground of long incarceration for more than a year and completion of investigation.

2. The investigating machinery was set into motion on a complaint lodged by one Sayyed Iqbal Sayyed Imam, brother of the deceased Sayyad Anees Sayyed Imam, aged 45 years. The deceased was engaged in Gulshernagar Depot in running a stall of Andaburji (egg preparation) for earning his livelihood.

3. The complainant allege that a month before lodging of the report, one Irfan Ahmad and Rizwan Ahmad had some squabble with the deceased as they had consumed Andabhurji but did not pay for the same and when the deceased asked for the amount, the applicant alongwith Rizwan had visited his house and indulged into a free fight. At that time Irfan and Rizwan were compelled to make the payment, upon which Rizwan had paid an amount of Rs.300/- and threatened the deceased that his brother Irfan (Ippu) would deal with him appropriately.

4. The complainant inform that on 13/09/2020, he received a phone call from his elder son, who told him that Anees was taken in Civil Hospital as he was injured by Irfan Ahmed (applicant) by means of wooden rod on his head. It was also informed to him that he had been to the market alongwith his two sons when the incident had taken place. When he inquired with Sayyed Rizwan, son of the deceased, aged 12 years, he specifically stated that Irfan had assaulted his father on head by means of a rod and left him bleeding, who later become unconscious. This resulted in registration of an offence. The statement of a young son of the deceased is recorded where he specifically narrated about the applicant assaulting his father by means of a rod. Another witness whose statement is recorded is one Sajid Khan Yusuf Khan, who has also witnessed the applicant assaulting the deceased. The statements of several witnesses have also been recorded under Sections 164 of the Cr.P.C. The material compiled in the charge-sheet clearly implicate the present applicant as

responsible for causing death of Sayyed Anees. In the wake of the material compiled in the charge-sheet by the prosecution and considering the gravity of offence and nature of allegations pointing out the involvement of the applicant, the application for bail does not deserve consideration. Thus, the application is rejected.

[SMT. BHARATI DANGRE, J .]