

Shagufta
Q.
Pathan

Digitally
signed by
Shagufta Q.
Pathan
Date:
2021.03.01
16:32:36
+0530

8-BA-1250-2019.doc

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

CRIMINAL BAIL APPLICATION NO.1250 OF 2019

Zakir Ajmuddin Jamadar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. P. Mundargi, Sr. Advocate with Mr. Kuldeep S. Patil for the
Applicant

Ms. S. V. Sonawane, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 26th FEBRUARY 2021

P.C. :

1 Heard learned senior counsel for the applicant and the learned
A.P.P.

2 By this application, the applicant seeks his enlargement of bail
in connection with C.R. No. I-107/2018 registered with the Sanjay Nagar
Police Station, Sangli, for the alleged offences punishable under Sections
302, 212, 201, 114, 109 r/w 34 of the Indian Penal Code.

3 Learned senior counsel for the applicant submitted that there is a discrepancy with respect to which of the accused assaulted the deceased i.e. Samadhan Mante (a Police Constable, Miraj City Police Station). Learned senior counsel relied on the statements of the eye-witnesses as well as the test identification parade report in support of the same.

4 Learned A.P.P opposed the application.

5 Perused the papers. The incident has taken place on 17th July 2018 at Hotel New Ratna Deluxe, Old Kupwad Road, Mangalwar Bazar, Taluka Miraj, District Sangli, at about 11:30 p.m. According to the complainant-Balkrishna Katkar, a bar man working in the said hotel, the deceased-Samadhan Mante (a Police Constable, Miraj City Police Station) had come to the bar at about 10:30 p.m, for consuming the alcohol. He submitted that there was another unknown person (applicant) who was also consuming alcohol in the said hotel. He submitted that after some time both, the deceased-Samadhan Mante and the said unknown person (applicant) started talking with each other and suddenly they started quarreling. It is stated that in the fight, the deceased slapped the said unknown person (applicant). Thereafter, the staff of the hotel held the said person and took him out of the hotel from the back door. The complainant

has further alleged that after some time, the deceased left the hotel and he too accompanied the deceased. According to the complainant, two persons came near the deceased and questioned who was fighting and what was the reason for the fight. It is further alleged that at that time the same person (applicant) with whom there was a quarrel, came and held the deceased and assaulted him with a sharp weapon on his chest and abdomen. It is stated that at that time, there were other employees of the hotel, who were present. The post-mortem report shows that the deceased had sustained 11 incised and stab injuries. The cause of death is stated to be haemorrhagic shock due to polytrauma. The statement of Rishikesh Patil shows that the person, who was present in the hotel, whose description was mentioned, assaulted the deceased with the knife. The said witness has identified the applicant. There are other witnesses who have also identified the applicant. There is recovery of blood-stained clothes and blood-stained knife at the instance of the applicant.

6 Considering the *prima facie* material, this is not a fit case to enlarge the applicant on bail. Application is accordingly rejected.

REVATI MOHITE DERE, J.