

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1162/2020**

Parvez @ Parya Farukh

Shaikh

.....Applicant**V/s.**

The State of Maharashtra

....Respondent

* * * *

Mr. Vijay K. Shelar i/by. Ms. M.S. Bobade, Advocate for the applicant.

Ms. Anamika Malhotra, APP for State.

Investigating Officer, PSI, D.D. Shinde, Central Police Station, Ulhasnagar present.

CORAM: SANDEEP K. SHINDE, J.

Thursday, 2nd September, 2021.

P.C. :

1. This application is under Section 439 of the Criminal Procedure Code. Applicant is one of the accused in Crime No. I-331/2018 dated 8th November, 2018 registered at Central Police Station, Ulhasnagar for the offences punishable under Sections 302, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. Prosecution case in brief is that, on 7th November, 2019 the applicant being member of unlawful assembly in prosecution of common object, caused murder of Navin Chaudhari by inflicting stab injury on his chest. Complainant who had witnessed the incident, when tried to pacify the quarrel, the applicant also inflicted injury on his thumb. Navin Chaudhary died on the spot. The cause of death was stab injury. Besides, the complainant, there are other witnesses who had seen the assault. I do not see any reason to disbelieve the statement of the witnesses. In consideration of the nature of allegations and the role attributed to the applicant, I am not inclined to grant bail to him. Yet the applicant at the material time was 18 years old. He has been incarcerated since November, 2018. I am told that the charge is not yet framed. In the circumstances, the learned Sessions Court is requested to expedite the trial in Sessions Case No.96/2019 pending before District Judge-3 & Additional Sessions Judge, Kalyan. The application is disposed of in the aforesaid terms.

3. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

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(SANDEEP K. SHINDE, J.)