

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1626 of 2020

Shaikh Aasif Shaikh Iqbal	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Mahendra N. Sandhyanshiv for the applicant.
Mrs. Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 11th AUGUST, 2021

P.C:-

1 The applicant is charge-sheeted in C.R.No. I-104 of 2019 for the offence punishable under Section 302, 143, 147, 148, 149, 504, 504 of the IPC and Section 4, 25 of the Arms Act. There are, in all, 7 accused who have been charge-sheeted and the applicant is Accused no.3. The deceased is one Kamruddin and the informant is his mother who lodged an FIR in Pawarwadi police station on 13th September 2019.

2 She narrated an incident dated 12th September 2019 in the wee hours when she returned from work, her son expressed that he had a quibble with certain persons whose names he specifically took, which included the present applicant –

Shaikh Aasif Shaikh Iqbal. Thereafter, he stepped out of house, accompanied one Salman and two other unknown persons. After some time, she was informed that her son was assaulted and being injured, taken to Civil Hospital.

3 There are two persons who have witnessed the incident of the deceased being assaulted by the accused persons. One Amjad Shaikh Alam who was present near the Stadium, at around 10.30 p.m, crossed path with the deceased who was petrified and when inquired, told that they had a flip with the accused persons and they are likely to revenge him. At the very same time, two motorcycles halted at the spot and the accused persons alighted. Asif is alleged to have taken out weapon and all the accused persons with the weapons chased the deceased. The witness was scared and he fled from the spot. Another person who has witnessed the incident of assault on the deceased is Mohd. Shaikh, who has narrated the incident in detail and he specifically name the present applicant who was also armed with the weapons and collectively all accused persons assaulted the deceased and left him injured, is his version.

4 The post mortem report compiled in the charge-sheet, refer to 13 injuries in Column no.17 and the cause of death is attributed to the stab/ puncture wounds of vital organs i.e. heart, lungs and liver.

5 The aforesaid material being compiled in the charge-sheet, indict the applicant for the assault and causing the death of the deceased. The nature of accusations levelled are grave. Post mortem report reveal that there were multiple injuries in the nature of penetrating wound over the organs like heart, lungs and liver. On account of these injuries, the deceased succumbed.

6 In the backdrop of the nature of accusations and since specific role is attributed to the present applicant who is seen to have assaulted the deceased by weapon in his hand, the Application deserve to be rejected and is accordingly rejected.

SMT. BHARATI DANGRE, J