

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 214 OF 2021

Ahemad Khan Hasan Khan

..Versus..

State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.B. Barve, Advocate for Applicant.
Mrs. S.S. Jachak, A.P.P. for Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : 26/04/2021

Hearing was conducted through Video
Conferencing.

2. Heard. The applicant/accused is arrested in Crime No. 396 of 2020 registered at Nagpuri Gate Police Station, District Nagpur for the offences punishable under Sections 307 of the Indian Penal Code. The bail is claimed on the ground of innocence, completion of investigation and applicant is ready to abide by every conditions which would be imposed. The State resisted bail by filing reply affidavit.

3. The mother of the injured has lodged the report on 10.11.2020 regarding the occurrence. The report is lodged on hear-say material which says that

on 09.11.2020 around 9.00 P.M., the applicant stabbed her son namely Parvej Khan in presence of three others. Since, the informant was not present at the time of occurrence, I have gone through the statements of eye-witnesses and injured Parvej Khan. After sustaining injury, Parvej Khan was hospitalized hence, his statement appears to be recorded after one month. He stated that while he was in the public ground along with his friends and brother, the applicant/accused came there, took out knife from his pocket and stabbed at his stomach and thighs.

4. Particularly, statement of eye-witnesses namely Nasim Khan, Sohil @ Monu Shafi and Zuber Khan were gone into. All of them similarly stated that at the relevant time, the applicant took out the knife from his pocket and stabbed at the stomach and thighs of the victim. Pertinent to note that, the First Information report was lodged within few hours from the occurrence in which the names of eye-witnesses were mentioned. Medical/Injury certificate discloses that within an hour from the occurrence the injured was examined having found incise stab injury of

grievous nature. The offence is of serious nature. The applicant/accused had carried knife to assault at the vital part of the body. There are eye-witnesses to the occurrence. Moreover, First Information Report was lodged with particular details within few hours from the occurrence. There is sufficient material to show the involvement of the accused. In view of that, the applicant/accused does not deserves for bail. Hence, the following order :

- (a) The Criminal Application stands rejected.
- (b) The Applicant is at liberty to approach this court after six months, if charges are not framed.

JUDGE

Trupti