

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 673 of 2021

(Usman Ali Yusuf Ali ..vs.. The State of Maharashtra through P.S.O. P.S., Yashodhara Nagar,
Dist. Nagpur)

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

Court's or Judge's orders

Mr. C. R. Thakur, Advocate for the applicant
Mr. N. S. Rao, APP for the non-applicant/State

CORAM : ROHIT B. DEO, J.

DATED : 03-08-2021

Applicant Usman Ali is accused, along with three others, of assaulting the deceased Annu Thakur with knife and the incident is a fall out of old rivalry.

2. The case of the prosecution is that in the perception of the accused, Annu Thakur was responsible for burning down the Activa Two Wheeler of accused Salman @ Sonu Pathan. The relatives of deceased have a different narrative.

3. According to the prosecution, on the fateful day, when the deceased was attending a marriage, the accused confronted him, assaulted him, applicant Usman and co-accused Mehboob whipped out knives and when

Annu Thakur ran to neighbouring alley, he was followed and inflicted an many as 33 stab injuries.

4. The deceased and the applicant, both have adverse antecedents.

5. Insofar as the crime is concerned, the manner in which Annu Thakur was allegedly killed, is brutal. While, the learned counsel Mr. Thakur emphasizes that none of the witnesses saw the actual assault, the material on record indicates that the witnesses saw the applicant and Mehboob whipping out knives, the deceased fleeing to save his life, the applicant and other accused following the deceased and then coming across the deceased who was then in critically injured state. Notably, the statements recorded indicated that the witnesses, who are friends of the deceased, immediately followed the deceased and the accused who were chasing the deceased in the alley.

6. The material on record further indicates that pursuant to memorandum under Section 27 of the

Indian Evidence Act, the knife allegedly used in the commission of the offence is discovered and seized at the behest of the applicant.

7. Considering the brutality of the assault, that the applicant has adverse antecedents and other attending circumstances, no case is made out to grant bail.

8. The application is dismissed.

JUDGE

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