

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 600 OF 2022

Mohammed Sarwaroddin Mohammed
Hafizoddin Farooqui Inamdar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Mr. R.S. Deshmukh, Senior Advocate a/w Mr. V.A. Chavan, Advocate i/b Mr.
D.R. Deshmukh, Advocate for applicant

Mr. V.S. Badakh, A.P.P. for respondent – State

Mr. M.K. Bhosale, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.

DATE : 06th OCTOBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 159 of 2020 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506 and 188 of the Indian Penal Code, under Sections 3/25, 4/25 and 4/27 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. Heard. Perused the First Information Report (“F.I.R.”) and related police papers.

3. The F.I.R. has been lodged by one Mohammed Haji on 25th March, 2020. It is his case that he runs a medical shop at Khudbe Nagar, Nanded. He

has set up his medical shop just opposite his uncle's medical shop. The relation between the two families had, therefore, become strained. The incident took place by 03:00 p.m. on 25th March, 2020. The F.I.R. has been lodged by 10:00 p.m. same day. In the F.I.R. the applicant has been alleged to have assaulted deceased–Junaid on his chest with a *khanjar*. The postmortem report indicates the deceased died of chest injury (injury to heart).

4. Learned counsel for the applicant advert this Court's attention to the statement of informant and eye witness recorded under Section 164 of the Code of Criminal Procedure, wherein the applicant is alleged to have been armed with a sword or *khanjar*. The fact remains that presence of the applicant has been made out by the informant and eye witness attributing him with an assault by a sharp weapon like sword or *khanjar*. As such, it is a case based on direct evidence. One more person has lost his life.

5. There being a direct evidence implicating the applicant in offence punishable under Section 302 of the I.P.C., the Court is not inclined to grant him bail. Trial Court is expected to frame the charge at earliest and conclude the trial preferably within a period of one year. Bail application is rejected.

(R.G. AVACHAT, J.)

SSD