

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2186 OF 2021

Mr.Kadir Nisar Khan

...Applicant

Vs.

The State of Maharashtra

... Respondent

Ms.Shagufta I. Shaikh for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

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CORAM : C.V. BHADANG, J.

DATE : 21 FEBRUARY 2022

P.C.

. This is an Application for bail. The Applicant along with the co-accused has been charge-sheeted in connection with the C.R. No.164 of 2020 registered with Uran Police Station, for the offence punishable under Section 302 and 326 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that on 21 June 2020 there was a quarrel between the Applicant and the co-accused on one hand and the deceased Salman Sakil Khan. The incident is alleged to have happened at 8.45 p.m. in which the deceased was assaulted by a wooden stick. The post-mortem report shows that the deceased has sustained a Contused lacerated wound on the occipital region and the cause of death is head injury.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that the history given in the hospital was that the deceased had fallen down and sustained injury. It is submitted that there is a delay in lodging of the FIR and the Applicant is in custody since more than 1 and ½ years.

5. The learned Additional Public Prosecutor has pointed out that there are at least three eye witnesses who have stated about assault on the deceased. He submitted that the history to the doctor was given by the brother of the deceased and that would be a matter of appreciation of the evidence at the trial. He submitted that the Applicant is charged for capital offence.

6. I have considered the submissions made, there are eye witnesses to the occurrence namely Arbaz, Shamsher, Mohammad Majid Khan who has stated about the assault on the deceased. No case for grant of bail is made out. The Application is rejected.

C.V. BHADANG, J.