

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

Criminal Application (BA) No.322/2022

Faizan @ Noddy Mansuri V State of Maharashtra thr PSO PS Kalmna, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.K.S. Ullah, Advocate for applicant.
Mrs. Mrunal Barabde, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 15-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0084/2021 dated 28-01-2021 registered with Police Station Kalamna, Nagpur for the offence punishable under Section 307 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that after completion of investigation, the chargesheet has been filed and no further custody of the applicant is necessary. It is further submitted that in post mortem report, there is mention only one stab injury. He, therefore submits that the incident occurred out of road rage and there was no intention. It is submitted that there is no direct witnesses to the incident and the applicant is in jail from last one and half years, accordingly, he prays for grant of bail.

3. On the other hand, learned APP strongly opposed the application and she submits that the doctor has opined that probable cause of death is hemorrhage and shock due to stab injury. She further submits that it is thereon sufficient to hold that the deceased died due to stab injury.

4. It is submitted that there is CCTV footage of the incident and also eye witnesses. The learned APP further points out that there are criminal antecedents and if the applicant is released on bail, there is every likelihood that he will repeat the offence. Accordingly, she prays for rejection of the application.

5. I have perused the chargesheet, First Information Report and reply of the prosecution.

Prima facie, the doctor's opinion is sufficient to hold that the deceased died due to the injury caused because of stab blow given by the applicant. As far as the criminal antecedents are concerned, there is a case under the Arms Act. Thus, there is a possibility that if the applicant is released on bail, he may commit similar offences.

6. Considering the seriousness of the offence and severity of the punishment and also the fact that there is a possibility that he may repeat the offence, if he is released on bail, I am of the opinion that the applicant is not entitled for grant

of bail.

7. Accordingly, I pass the following order :-

Order

i. Application is rejected.

ii) At this stage, the learned Counsel for the applicant prays to expedite the trial. Considering the fact that the applicant is in jail since one and half years, I request the learned trial Judge to expedite the trial.

(Anil S. Kilor, J.)