

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

931 BAIL APPLICATION NO.1013 OF 2023

SHAHRUKH KHAN KALIM KHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. C. C. Deshpande h/f Mr. Bhosle
Abhaysinh K.
APP for Respondent-State : Mr. Y. G. Gujrathi.
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CORAM : S. G. MEHARE, J.
DATE : 27.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.33 of 2020, registered with Savada Police Station, District Jalgaon, for the offence punishable under Section 302, 120-B read with Section 34 of the IPC.
3. Learned counsel for the applicant would submit that the applicant has been arrested only on suspicion. There is no cogent and reliable evidence against him. The allegations of grievous assault to the accused by the present applicant has no concern with the present incident as in the earlier FIR, he was

not named as an accused. He was simply added as a party as co-accused named him. The applicant is languishing in jail for sufficient time. He is a young boy of 27 years old. In one of the case, he has been acquitted. Similarly situated co-accused Azhar Khan has been released on bail. Hence, parity may be extended.

4. Learned APP would submit that the applicant was the habitual in stealing the railway properties. The applicant had suspicion over the deceased that he was the police informer. Earlier the applicant had assaulted the deceased and the crime was registered for the said offence. During the investigation, it was transpired that the applicant was also one of the co-accused of the said crime. The deceased was brutally murdered. The applicant has no good past. More particularly, the allegations have been levelled against him that prior to this incident, he assaulted the deceased and that was the sufficient ground to refuse the bail. The offence is serious. Hence, he does not deserve bail.

5. Perused the papers. The allegations in the FIR are very specific that earlier to the present incident, the applicant assaulted the deceased and he had suspicion over him that he was the police informer. The *prima facie* material of grievous

assault is available. The iron rod allegedly used in the crime has been recovered at his instance. The applicant is a history sheeter. The offence is grave and serious. Hence, the Court is not inclined to grant him bail. Therefore, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-