

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1461 OF 2021

Mastan Israr Ahmed Khan ..Applicant

VS.

The State of Maharashtra ..Respondent

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Adv. Bablu J. Shaikh for the Applicant.

Mr. S. H. Yadav, APP for the State.

Mr. S.D. Patil, PSI, Shivaji Nagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Mastan Israr Ahmed Khan in connection with C.R. No.501 of 2020 dated 26/09/2020 registered with Shivaji Nagar Police Station for the offence punishable under Sections 302, 307, 324 read with 34 of the Indian Penal Code, 1860, under Sections 4, 25 of the Arms Act and under Sections 37(1) (A), 135 of the Bombay Police Act.

3. The FIR is registered on 26/09/2020. The date of the

incident is 25/09/2020 which happened at around 10.30 p.m. The applicant was arrested on 26/09/2020. The allegation is that the present applicant along with other co-accused assaulted the deceased-Tasleem with sword and wooden bamboos. It is also alleged that when the injured witness went to save Tasleem, he was assaulted by the applicant with a sword on his head. There are eye witnesses to the incident. I have gone through the post mortem report which revealed that there are as many as 17 injuries on the person of Tasleem. Though the major blow of the sword is on the right hand, the nature of injuries were such that the applicant died the very next day in the hospital. There is an injury reported under the scalp and there is hemorrhage present on right parietal area.

4. Learned counsel for the applicant submitted that the applicant is in custody for more than two years. It is stated that the applicant does not have any criminal antecedents.

5. Considering the serious nature of the accusations and role played by the applicant, I am not inclined to release the applicant on bail.

6. The application is rejected.

(M. S. KARNIK, J.)