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

CRIMINAL BAIL APPLICATION NO.1054 OF 2023

ABDUL GAFFAR KURBAN KHAN	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Ravishankar Dwivedi for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 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 in respect of FIR bearing C.R. No.I-198 of 2022 registered on 06.07.2022 against three accused and three unknown persons. The FIR was registered on 06.07.2022. On 14.07.2022 the accused persons were arrested along with the present applicant who is the accused No.4. The charge-sheet has been filed on 04.11.2022 against the eight accused.

3. Learned counsel for the applicant submitted that there is no evidence against the present applicant. According to him, it is the applicant who tried to save the deceased.

4. The FIR dated 06.07.2022 was lodged by the brother of the deceased. The present applicant is the other brother of the deceased. On 05.07.2022 the accused No.1-Ravindra Tore called the applicant as there was some religious ceremony to be performed at Yeola. Accordingly the applicant, deceased and other accused proceeded in the vehicle driven by the accused No.1-Ravindra Tore. It is alleged that the ceremony was performed on a plot of land. The deceased was a Sufi saint. On the way back at around 7.00 p.m. to 7.15 p.m. when the accused along with the deceased sat in the car, one of the accused i.e. accused No.5-Santosh Bramhane fired at the deceased.

5. In the FIR it is alleged that Ravindra Tore, Pawan Aher and Ganesh Patil and three other unknown accused have conspired to kill the applicant as well as the deceased.

It is alleged that there even was an attempt to shoot the complainant. During the course of the investigation it transpired that the deceased was shot at the instance of the applicant who happens to be the real brother of the deceased. The statement of the wife of the deceased was recorded. In the said statement she has stated that the deceased was a Sufi saint and his entire financial transactions were looked after by the present applicant. The deceased had purchased the land, car in the name of the applicant. The deceased had also transferred money in the applicant's account. There are call detail records on record to indicate the presence of the applicant along with the accused post the incident as well. The prosecution has brought the materials on record that there were as many as 224 calls recorded between the accused No.1-Ravindra Tore and the present applicant.

6. Considering the nature of the accusations and the materials collected during the course of the investigation, according to me this is not a fit case to enlarge the applicant on bail.

7. The bail application is rejected.

(M. S. KARNIK, J.)