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

BAIL APPLICATION NO.1769 OF 2023

Mohd. Rafik Shamsuddin Shaikh] .. Applicant

vs.

State of Maharashtra] .. Respondent

Mr.Vinod Kashid a/w Sumit Bhoite for the Applicant.

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

PSI R.V. Gole, Worli Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 26th July, 2023.

P.C.

1] This is the second Bail Application filed by the Applicant, the first being withdrawn on 23.08.2022, when the learned counsel Mr.Kashid sought parity with co accused Parvez Shaikh who was released on bail.

2] I had clearly opined that on perusal of the material compiled in the charge-sheet which included the Postmortem report, which referred to 34 injuries on the body of the deceased Bilal and the cause of death being opined as “shock following multiple superficial to deep contusions all over the body – Unnatural”, the case of homicidal death was clearly made out.

The charge-sheet has compiled statements of eye witnesses who have categorically named the Applicant as one of the assailant, when the deceased entered into the house for the purpose of committing theft and ran away with a mobile and and a purse belonging to their mother. The eye witnesses have stated that the four persons assaulted Bilal and the Applicant was one of them.

3] While releasing Parvez on bail, Justice Anuja Prabhudesai has observed that the accusations are general in nature and there is no specific role attributed to accused Parvez.

While dealing with the application of another co-accused Mohd. Mubarak Samsuddin Shaikh on 18.01.2023, Justice Karnik placed reliance on the order passed by Justice Anuja Prabhudesai in the case of Parvez and followed the said order considering the age of the Accused.

4] In my considered opinion, there is sufficient material in the charge sheet to indict the Applicant, who is definitely one of the assailant and when the charge is filed under Section 302 read with 34 of the IPC, needless to state that the common object have clearly surfaced in the charge sheet.

In my considered opinion, the Applicant do not warrant his release on bail.

Hence Bail Application is rejected.

[BHARATI DANGRE, J]