



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

BAIL APPLICATION NO. 4021 OF 2023

MEHMOOD MOIDEEN SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

None for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI Kshirsagar, Sewree Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

1. Learned counsel for the applicant had argued the matter yesterday. The matter was listed today for passing orders as the learned counsel for the applicant wanted to take instructions if he wished to withdraw the matter, as I had expressed disinclination to enlarge the applicant on bail.

2. This is an application for bail in respect of the offence punishable under Sections 302 read with 34 of the Indian Penal Code registered on 21/02/2023 vide C.R. No.23 of

2023 with Sewree Police Station.

3. The date of the incident is 20/02/2023. The applicant was arrested on 21/02/2023. The deceased was suspected by the applicant and his sons to be a thief. Accordingly, the deceased was brutally assaulted by fists and kick blows by the applicant and the other co-accused. A statement of an eye-witness which is at page No. 46 of the paperbook reveals that she was requesting to spare the deceased. The deceased was dragged while being taken to the police station and the applicant and other co-accused continuously kept on assaulting the deceased.

4. There are eye-witnesses to the incident. Considering the nature of the accusations as well as the role of the applicant, I am not inclined to enlarge the applicant on bail at present.

5. The application is rejected. The applicant is at liberty to apply for bail after some time if the trial does not proceed substantially.

6. The application is disposed of in the above terms.

(M. S. KARNIK, J.)