

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2164 OF 2024

Aslam @ Gondiya Hamid Mulla, Age 34 years,
Occ.Service, R/o.Hazarmachi,
Tal.Karad, Dist.Satara.
(Presently in Satara District Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ganesh Bhujbal, Advocate for Applicant.

Mr.Sameer M.Mangaonkar, APP, for State.

Mr.Mahesh B.Shinde, P.C, Karad City Police, present.

CORAM : ANIL S.KILOR, J.

DATE : 21st August 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.1191 of 2023 registered with Karad City Police Station, District Satara, for the offences punishable under Sections 302, 364, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. Learned counsel for Applicant submits that there are discrepancies in the CCTV footage transcription and the statements of witnesses. It is submitted that the first informant did not name the Applicant. The FIR was registered against total 10 accused, out of which four were known and six unknown accused persons. It is submitted that version of the eye witness is doubtful and since charge sheet has been filed, further custody of the Applicant is not necessary. Accordingly he prays for grant of bail.

4. Learned APP strongly opposed the application and grant of bail.
5. I have gone through the charge sheet and relevant material collected by the Investigating Officer during investigation. It is evident that seeing the CCTV footage the Applicant was identified by the eye witness and there is sufficient evidence to show that at the time of incidence Applicant was present with other co-accused.
6. The CCTV footage shows that the accused persons were assaulting the deceased. The allegations are of unlawful assembly with common intention. In the circumstances though there may be some discrepancies in the CCTV footage transcription and the statement of witness, however, presence of the Applicant at the spot with common intention cannot be prima facie disputed in view of sufficient incriminating material against the Applicant.
7. In the circumstances since the offence is very serious, I do not find the present case as a fit case for grant of bail. Accordingly it is rejected.
8. Trial is expedited.
9. Liberty is granted to move afresh before Trial Court after one year, if there is no progress in trial.
10. Learned counsel for Applicant undertakes to place this order on the record of Trial Court within two weeks from today.

(ANIL S.KILOR, J.)