

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

CRIMINAL BAIL APPLICATION NO. 532 OF 2024

Tauseef Ahmed Rafeeqe Ahmed @ Raju ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Aniket Vagal with Savvy Kolhekar with Kunal N. Pednekar,
Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 30th SEPTEMBER, 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.171 of 2022 registered with Pawarwadi Police Station, Nashik, for the offences punishable under Sections 302 and 120B read with Section 34 of the Indian Penal Code, 1860 and Sections 4/25 of the Arms Act, 1959.
- 3) As the whole case is based on circumstantial evidence, the learned Counsel for the applicant submits that this is a fit case for grant of bail. On the other hand, the learned APP points out that CCTV footage is there in addition to recovery from the applicant.

- 4) In reply, the learned Counsel for the applicant submits that there is no certificate under Section 65B of the Indian Evidence Act.
- 5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there is sufficient incriminating material available on record by way of CCTV footage and also the recovery of the sickle as well as the blood-stained clothes from the applicant. In the CCTV footage, the applicant was seen with a sickle roaming around the spot of the incident.
- 6) In the circumstances, considering the seriousness of offence, at this stage, I am not inclined to grant bail only on the ground that there is no certificate under Section 65B of the Indian Evidence Act. Accordingly, the application is rejected and disposed of.
- 7) At this stage, the learned Counsel for the applicant seeks liberty to apply afresh before the trial Court, if there is no progress in trial in near future.
- 8) Liberty is granted to apply before the trial Court after one year, if there is no progress in trial.
- 9) The learned Counsel for the applicant undertakes to place a copy of this order on the record of the trial Court within two weeks from today.

[ANIL S. KILOR, J.]