

the Indian Penal Code (for short, 'the IPC')

3. The allegations against the accused are that they assaulted the deceased wherein the deceased succumbed to the injuries. As far as the applicant is concerned, the role attributed to him is that he assaulted the deceased by knife.

4. The learned counsel for the applicant submits that the applicant is in jail from last three years. Since the charge-sheet has been filed, further custody of the applicant is not necessary. It is further argued that all the witnesses are interested witnesses and therefore, reliance cannot be placed upon same to arrive at a conclusion that the applicant is involved in the alleged offence. He, therefore, prays for grant of bail.

5. On the other hand, the learned APP strongly opposed the application and points out that there are 7 eyewitnesses and in addition to this, knife, clothes with bloodstains were recovered from the applicant. It is further submitted that all the eyewitnesses have attributed a special role to the applicant. Moreover, the cause of death is stab injury of which the applicant is the author. Accordingly, he prays for rejection of the present application.

6. Considering the fact that the knife used in the alleged offence and the clothes were recovered from the applicant, though, it is the submission of the learned counsel for the applicant that no bloodstains were found on the clothes of the applicant, however, there are 7 eyewitnesses, who support the case of the prosecution.

7. In the circumstances, as sufficient evidence is available on record to show the *prima facie* involvement of the applicant in the alleged offence which is serious one, I am not inclined to grant bail. Accordingly, the application is **rejected**.

(ANIL S. KILOR, J)