

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2445 OF 2024**

Amir Mohammad Maner ... Applicant
versus
The State of Maharashtra Respondent

Ms. Sana Raees Khan along with Mr. Aditya Parmar, Advocate for the Applicant.

Mr. Prashant P. Jadhav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER, 2024.

P.C. :

1. By this application, the applicant is seeking regular bail in Sessions Case No.184 of 2022 arising out of Crime No.152 of 2021 registered with Bhore Police Station, Pune, for offence punishable under Section 302 read with 34 of the Indian Penal Code 1860.

2. It is prosecution case that on 2nd October 2021 at about 11.30 p.m. , deceased Anand Sagale was murdered by the applicant and co-accused. It is alleged that on that day, deceased Anand Sagale was standing near Samrat Chowk, where co-accused Sunny Barangale, Sameer Maner, Siddhant Borkar and applicant were consuming alcohol. At that time, co-accused – Sameer Maner by putting his hand on the shoulder of the deceased asked him that he has become a big person. At that time, a quarrel started between deceased and co-accused - Sameer. In the said quarrel, co-accused-Sunny Barangale and Siddhant Borkar

caught hold of deceased and applicant picked up a stone and assaulted the deceased. At that time, eye-witness Akash More who was present there, ran away from the spot of incident. A complaint was lodged in the police station against the applicant and co-accused.

3. It is contention of learned counsel for the applicant that applicant is behind bar for more than three years, charge is not framed. There are 36 witnesses. It may take time to dispose of the trial. Hence, requested to allow the application.

Learned counsel for the applicant has relied on the following case-laws of the Hon'ble Apex Court:

1. Sagar Ashok Satkar versus The State of Maharashtra in Criminal Appeal No.2870 of 2024 and SLP (Crl) No.7516 of 2024.
 2. Monu Kisanlal Kumar versus State of Maharashtra in SLP (Crl.) No.1595 of 2024.
 3. Sunita Prakash Satav versus State of Maharashtra in SLP (Crl.) No.8287 of 2022.
 4. Prasad Kailas Thombare versus State of Maharashtra in Criminal Appeal and SLP (Crl.) No.2456 of 2022.
 5. Zahur Haider Zaidi versus Central Bureau of Investigation in Criminal Appeal No.605 of 2019 and SLP (Crl.) No. 2123 of 2018.
 6. Balwinder Singh versus State of Punjab and anr. in SLP (Crl.) No.8523 of 2024.
4. It is contention of learned APP that applicant is the main culprit.

He assaulted the deceased with stone. The incident is witnessed by eye-witness. If the applicant is released on bail, he may abscond and he may threaten the prosecution witnesses, hence, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet produced on record. The allegation against the applicant is that he assaulted the deceased with stone on his head. The CA report shows that the blood found on the stone matches with the blood of the deceased. The medical certificate issued by the medical officer of Sassoon Hospital opined that the death of the deceased is caused due to head injury and there is direct evidence against the applicant inflicting blows of stone on the head of deceased. There are eye-witnesses to the incident. If the applicant is released on bail, he may threaten the prosecution witnesses or may abscond. Hence, I am not inclined to allow the application.

6. I have gone through the case-laws cited by learned counsel for the applicant. In the present case, the applicant is the main culprit. There is direct evidence against him. The incident is witnessed by eye-witness. There are 36 witnesses, hence, the facts of the cited cases are not applicable to the present case. Hence, I pass the following order :

O R D E R

(i) The application is rejected.

(SHIVKUMAR DIGE, J.)