



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 262 OF 2025

Mohammad Ibrahim s/o Mohammad Shakil Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Rakhi Sarkar, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

1. The applicant came to be arrested on 13/10/2022 in connection with Crime No. 406/2022 registered with Police Station Wathoda, Nagpur City for the offence punishable under Section 302 and 120-B of the Indian Penal Code, 1860.

2. The informant, Shabnam Bano lodged a report alleging that on 13/10/2022, in the evening when she was present in the house along with her husband, at the relevant time, her husband has received the phone call from Sonu @ Ashpaq calling him near Darga, and accordingly the deceased has left to meet him. Within a short period, a lady residing in the said locality came shouting that her husband was beaten by somebody. She immediately rushed to the Darga and saw that her husband, Arif, was coming towards the house with a severe bleeding injury on his person, and a sharp weapon, a Khanjir, was stuck in his chest. On inquiry with her

husband, he disclosed that the present applicant and other co-accused assaulted him, which resulted into multiple injuries, which subsequently resulted into his death. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that as far as the present applicant is concerned, no specific role is attributed to him. There are no criminal antecedents against him. The applicant is implicated falsely in the alleged offence. There is no direct evidence to connect the present applicant with the alleged offence. The other two accused are already released on bail, in view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that during the oral dying declaration to the wife as well as the other witnesses, the deceased has specifically stated the role of the present applicant that, he is one of the assailants who caused the injury to the deceased. Subsequently, the deceased succumbed to the death. During the investigation, the blood-stained weapon as well as the blood-stained clothes of the accused are also seized by the investigating agency. The postmortem report also shows that the injury sustained was on the vital part of the body. Considering the statements of the witnesses, which shows that the deceased has given oral dying declaration to them stating

the name of the present applicant. Hence, the bail application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, there is substance in the submission of the learned APP. The statement of the wife of the deceased as well as the statement of the witnesses disclose, it was the deceased who disclosed the name of the present applicant in the alleged offence. During the investigation, the bloodstains shows from the present applicant as well as the bloodstained weapon were also seized. The death of the deceased is due to the injuries on his chest, i.e. on a vital part of the body. The charge is already framed, and the trial is already on the verge of commencement.

6. In view of the nature of the evidence, which is collected during the investigation, the prima-facie case is made out against the present applicant. Hence, the application deserves to be rejected. Accordingly, I proceed to pass the following order:-

ORDER

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]