

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1304 OF 2009

Jehangir Allaudin Rangari Khan	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mirza Yadullah K. & Mr.Sharif Shaikh for the Applicant.
Mr.Rajesh More, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 31, 2009

P.C. :-

1. Heard Counsel for the applicant and APP for the State.
2. The applicant has been arrested in connection with an offence punishable under Sections 302, 326, 504 read with 34 of the IPC.
3. Prosecution case is that the applicant and his two brothers assaulted the deceased and one other person with bamboo sticks which were lying on the road as a result there was fracture of the skull and the deceased died after ten days. The name of the applicant is specifically mentioned in the FIR and there are number

of eye witnesses to the said incident who have attributed specific role to the present applicant.

4. Counsel for the applicant submits that there was sudden quarrel and there was no intention on the part of the applicant to commit the murder of the deceased.

5. Looking at the nature of injuries which can be seen from the post mortem notes, it is evident that the injuries are sufficient in the ordinary course of nature to cause death and as such, offence is punishable either with death or imprisonment for life. No case is made out for grant of bail.

6. The application is rejected.

(V.M. KANADE, J.)