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

BAIL APPLICATION NO.283 OF 2015

Jafar @Jafar Banda Abdul Kaiyyam Hakim	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Jayesh Kocheta a/w Ms.Anjali Bhujbal, for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

Constable - Gawate, Bibvewadi Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 72 of 2014, registered with the Bibvewadi Police Station, Pune, for the alleged offences punishable under Sections 363, 364 r/w 34 of the Indian Penal Code. It appears that subsequently Section 302 came to be added.

3. Learned Counsel for the Applicant submits that there is no

material qua the applicant to connect him with the alleged offence. He submits that it is alleged by one of the witnesses that the present applicant tried to sell a ring belonging to the deceased. However, there is no material on record to show that the ring belonged to the deceased or that it was sold by the applicant. He submitted that the applicant's bail was rejected only on the ground that his name was reflected in the statement of the co-accused recorded under Section 27 of the Evidence Act.

4. Learned APP does not dispute the aforesaid facts.

5. Considering the material on record qua the present applicant ; the fact that the investigation is complete and charge-sheet is filed and the fact that the applicant has no antecedents qua, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the

case;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

*Certified to be true and correct copy of the original signed
Judgment/order.*
