

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.319 OF 2015

Zuber Iqbal Shaikh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Ms.Nagma Tandan i/b Mr.Debajyoti Talukdar for the Applicant
Mr.J.R. Ramugade, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 17, 2015**

P.C.:

1. This bail application is preferred as the applicant/accused is facing charges under section 302 r/w 34 of the Indian Penal Code. One Shahabuddin Azgarali Shaikh gave information on 23.8.2014 to the police at Yerwada police station that his brother Zakir, who left the house of on 22.8.2014, did not return and after search, they found his dead body near the bank of Mula-Mutha river. There was severe head injury and, therefore, he gave a complaint to the police pursuant to which the offence was registered at C.R. No.444 of 2014 with Yerwada police station against the applicant/accused and the other 3 accused. The applicant/accused and the other accused were arrested on 25.8.2014. Since then, they are in custody. Hence, this application for bail.

2. The learned Counsel for the applicant/accused submits that there is no evidence against the applicant/accused except the statement made by the co-accused at the time of discovery panchanama pursuant to which the motor cycle owned by the applicant/accused was recovered. She submits that since 25.8.2014, the applicant/accused is inside the jail. Hence, he prays for bail.

3. The learned Prosecutor while opposing the application, relied on the FIR, the postmortem notes as also the statements of the co-accused which were recorded at the time of the recovery panchanama.

4. On perusal of the documents and the papers which were produced by the prosecution and the defence, it appears that the police have recovered and seized the motor cycle owned by the applicant. The deceased died to due to chop wounds caused to his head. There is no recovery of weapon or other evidence against the applicant/accused.

5. In view of this, the bail application is allowed on the following terms and conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) In the event the applicant changes his address, he shall communicate the same to the concerned police station.
- v) The applicant shall attend on all the Court dates.

(MRS.MRIDULA BHATKAR, J.)