

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 472 OF 2015

Sayyed Yunus Malik	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Amit Munde, Advocate for the applicant.
Mr. Arfan Sait, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 1st April, 2015.

P.C.

This Application is moved for anticipatory bail, as the applicant/accused is prosecuted for the offences punishable under sections 302, 201, 307 r/w. 34 of the Indian Penal Code, which is registered at C.R. No. 18 of 2013 with Poladpur Police Station on 16th April, 2013.

2. It is the case of the prosecution that the body of deceased Gurudas is found wrapped in gunny bag with injured condition by the informant. After registration of the offence, the police started investigating the crime and they found that Gurudas was working as a driver with applicant/accused. The deceased has taken an amount of Rs.50,000/- of the applicant, which was for disbursing the salary of the employees. The deceased ran away and thereafter he came back. On 14th April, 2013,

the applicant/accused and co-accused assaulted the deceased brutally and he succumbed to the injuries. Hence, this Application for pre-arrest bail.

3. The learned counsel for the applicant/accused submitted that there is no evidence against him. There is suspicion against the applicant/accused based on some circumstantial evidence. There is a statement of co-accused stating the role of the applicant/accused and his involvement in the murder, which is not admissible. He submitted that the applicant/accused be protected by pre-arrest bail.

4. The learned APP pointed out that the statement of witnesses. He submitted that there are other two accused who were in the employment of the applicant/accused/owner of the farm and vehicle. The charge sheet is filed against other accused and they were released on bail. However, the applicant/accused is the main accused. He was absconding throughout, therefore, the investigation could not proceed in a proper direction. His custody is required for interrogation. He relied on the statement of some witnesses disclosing motive.

5. Perused the complaint so also the statement of the witnesses as relied by the learned APP. Though there is no evidence of the eye-

witness, however, according to the police, the applicant/accused is a prime accused and there is a statement of the witnesses on the point of motive. The body of deceased was found on 16th April, 2013 and a day prior to that, there was some evidence to show that he was assaulted by the applicant/accused and co-accused. Hence, this being the case of murder, considering the allegations against the applicant/accused, his custodial interrogation is required. Hence, the Application for anticipatory bail is rejected.

(MRS. MRIDULA BHATKAR, J.)