

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1594 OF 2014

Alok Shivaji Bhalerao	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Shriram S. Kulkarni, Advocate for the Applicant
Ms. Veera Shinde, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 8, 2015**

P.C.:

The applicant has moved this Application for bail. The applicant/accused is facing charges under section 302, 201 r/w. 34 of the Indian Penal Code for the murder of one Mohammed Kateel Siddique in Anda Cell No. 2 at Yerawada Central Prison on 8th June, 2012. It is the case of the prosecution that the applicant/accused along with accused Sharad Mohol were arrested and were under trial prisoners in the year 2012 for the offences under MOCCA and other offences in Indian Penal Code. The deceased was arrested for bomb blast and he used to say that he wants to explode one Ganesh Temple by bomb and he also used to make comparison in the religion and therefore, the applicant/accused and co-accused were angry with him.

2. It is the case of the prosecution that on 8th June, 2012 the accused

by using a string of bermuda pant strangulated the deceased and therefore, the offence was registered against them.

3. The learned counsel for the applicant/accused has submitted that besides extra-judicial confession, there is no evidence against the applicant/accused. He submitted that the witness before whom the alleged extra-judicial confession was made also belonged to Islam religion and was biased against the applicant/accused and co-accused and, therefore, made a false statement that the applicant/accused and other accused made confessional statement before him in respect of killing the deceased. He submitted that the theory of police case in respect of killing the deceased with a string of bermuda pant and subsequently burning of the said string is false and concocted, as it is improbable that the ash was allegedly found near the toilet block. It is further submitted that the witness cannot be believed on the point of extra-judicial confession, as he was close to the deceased.

4. Learned APP opposed the Application. She submitted that the accused have committed the murder when they were in the prison and the police have also recorded statement of the witnesses under section 164.

5. Perused the statement of the witnesses especially statements of

Akbar Shaikh and Rohidas Chorge. Considering the circumstance under which the murder has taken place and considering the statements of these witnesses which reveal that there is an extra judicial confession and a case of last seen together, it is not a case to grant bail. Hence, the Application for bail is rejected.

(MRS.MRIDULA BHATKAR, J.)