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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1204 OF 2015
IN
CRIMINAL APPEAL NO.950 OF 2015.

Rijwan Mustafa Patel

... Applicant.

V/s.

The State of Maharashtra

.... Respondent

Mr. V. V. Purwant, for the applicant.

Mrs. A.S. Pai, APP for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI ACTING CJ &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th DECEMBER, 2015.

P.C. : [Per Dr. Shalini Phansalkar-Joshi, J.]

1. This application is preferred by original accused No.3 seeking suspension of substantive sentence of imprisonment and for his enlargement on bail during pendency of this appeal.

2. The applicant has been convicted alongwith accused No.1 Sunny for the offence punishable under Sections 395 and 302 read with Section 120(b) of the Indian Penal Code and sentenced to suffer

imprisonment for life.

3. As per prosecution case, the applicant alongwith accused No.1 Sunny and accused No.2 Vinod, was prosecuted and tried in respect of double murder of Mr. and Mrs. Kamlakar. Initially accused Nos. 1 and 2 were arrested and thereafter present applicant came to be arrested. The case is based on circumstantial evidence and the only circumstance alleged against the applicant is recovery of blood stained knives and his clothes at his instance under Section 27 of the Evidence Act. The C.A. report of the knives, however, reveals that the results of the blood grouping were inconclusive. Even in the confessional statement, of accused No.1 recorded by Magistrate under Section 164 of the Code of Criminal Procedure, no incriminating act is attributed to the present applicant except for stating about his presence. In view thereof, in our considered opinion, the applicant deserves to be released on bail. Hence order.

Order

1. Application is allowed.
2. Pending hearing and final disposal of present appeal, the applicant Rijwan Mustafa Patel be released on bail on his furnishing P.R. Bond in the sum of

Rs.25,000/- with one or two sureties in the like amount subject to condition that the applicant shall give attendance at Warje Malwadi Police Station, District:Pune, once in three months i.e. on first Monday between 11.00 a.m. to 1.00 p.m.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]

C E R T I F I C A T E

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