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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2659 OF 2016

Syed Akbar @ Sheru s/o Syed Gafar,
Age: 28 years, Occ: Mason,
R/o. Islampura, Maltekdi Road,
Nanded, Dist. Nanded.

..APPLICANT

VERSUS

The State of Maharashtra
Through Nanded (Rural) Police Station,
Tq. & Dist. Nanded.

..RESPONDENT

Mr M.V. Ghatge, Advocate for applicant;
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th JUNE, 2016

ORDER :

Upon, 'Missing' complaint lodged by Shivaji Sambhaji Mulange, maternal uncle of deceased Kapil Kishan Bhimewar on 29/12/2015, an offence in question came to be registered.

2. The dead body of deceased Kapil was discovered pursuant to the report submitted by police patil Pandurang Bhimrao Girde on 30/12/2015 and as such, the investigation was set in motion. During the investigation, the statements of Madhav Kamble and Syed Azam came to be recorded so as to substantiate the case of conspiracy hatched by accused persons including of applicant and as such, the applicant is roped in as an accused.

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3. Mr. Ghatge, learned Counsel for the applicant, while trying to make out case for grant of bail, would submit that the applicant is behind bar since last about six months. According to him, there are no criminal antecedents. The investigation in the matter is complete and charge sheet is already filed. He would urge that the prosecution case rest on circumstantial evidence and only incriminating circumstance against the applicant can be noticed from the investigation papers is, the statement of Madhav Kamble and Syed Azam implicating the accused as one of the co-accused in supporting the accused Nandu in murdering Kapil.

4. If the statements of Madhav Kamble and Syed Azam recorded on 31/12/2015 are perused, the same are required to be ignored as same hardly implicates the applicant in the commission of crime. The statements of these witnesses speak of disagreement shown by the present applicant to the offer given by accused Nandu for contract of killing Kapil for Rs.5,00,000/-. Statement of these witnesses neither depict any details about deceased nor any participation or knowledge to the applicant of crime in question.

5. Apart from above, there is hardly any material on record to connect the present applicant to the crime in question. There are no criminal antecedents. The charge sheet is already filed.

6. In view of above, the applicant is entitled to be enlarged on

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bail. Hence, the following order :-

The applicant be released on bail in connection with Crime No. 383 of 2015 registered with Nanded (Rural) Police Station, District Nanded, for the offence punishable under Sections 302, 201, 120-B, read with Section 34 of Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe/