

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.21 OF 2016

Asif Kalim Khan	..Applicant
V/s.	
The State of Maharashtra	.. Respondent

Mr.Rakesh Bhatkar for Applicant.
Mr.Y.M.Nakhawa, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.,

DATE : 11th MARCH, 2016.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent-State.

2. By this application, the applicant seeks his enlargement on bail, in connection with CR No.103 of 2015 registered with Rural Police Station, Ratnagiri, for the alleged offences punishable under Sections 302, 201, 212 read with section 34 of the Indian Penal Code and under section 3(25) of the Arms Act.

3. The present applicant is original accused no.4.

According to the prosecution accused no.1 to 3 in furtherance of the common intention assaulted the deceased Abhijit Patankar on his head, chest, back and on his left leg, as a result of which he succumbed to the injuries. It is also alleged that the accused nos.1 to 3 with the intention to destroy the evidence, threw the dead body in a drainage. According to the prosecution, as far as the present applicant, who is original accused no.4, is concerned, he helped the accused nos.1 to 3 to conceal the pistol and also harboured the accused. Learned counsel for the applicant states that the applicant was not involved in the commission of an offence punishable under section 302 of I.P.C.. He submits that the only allegation against the applicant, is that he harboured accused nos.1 to 3 and concealed the pistol, which was used in the commission of offence. Learned counsel for the applicant states that he is ready to abide by all the conditions which may imposed by this Court.

4. Learned APP on the instructions of the investigating officer does not dispute the role of the applicant, however,

states that the applicant is a resident of Uttar Pradesh. He states that if the applicant is enlarged on bail, he will not be available for trial. Considering the role of the applicant and the fact that prima facie, he is not involved in the commission of the offence of murder and is only alleged to have helped the accused conceal the pistol and harboured them, the applicant is entitled to be enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the investigating officer Rural Police Station, Ratnagiri on the 01st and 03rd Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months after his release, and thereafter once in a month, till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence of mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate in the conduct of the trial;

(vi) The applicant shall file an undertaking in the Trial Court, with regard to clauses (ii) to (v) within 2 weeks of his release, that he will abide by the said conditions;

(vii) The applicant shall not leave the jurisdiction of Ratnagiri District, without the permission of the Trial Court.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.,)