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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 378 OF 2016**

Anand S. Telgu

..Applicant.

Vs.

The State of Maharashtra

..Respondent

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Ms. Swapna Kode for Applicant.

Ms. N.S. Jain, APP for State.

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**CORAM: A.S. GADKARI, J.**

**DATE : 13<sup>th</sup> October 2016.**

**P.C.**

**1** This is an application under Section 439 of Cr. P.C. for bail in CR No.I-123 of 2015 registered with Central Police Station, Ulhasnagar, District-Thane dated 8.3.2015 under Sections 364, 302 read with 34 of the Indian Penal Code.

**2** Heard the learned counsel for the applicant, the learned APP and also perused the entire chargesheet annexed to the application.

**3** The first information report is lodged by Shri Satyanarayan Puli on 8.3.2015 for the alleged incident of death of Firoz @ Batla Sattar

Shaikh. It is the prosecution case that the accused No.1-Ali Akbar @ Jabbar Momin and an unknown person forcibly entered into the house of the first informant and abducted deceased Firoz at about 1.30 a.m. on 8.3.2015. That a dead body of Firoz was found near the railway track on 8.3.2015 at about 7.00 a.m. by the first informant. The first informant thereafter lodged the report with the police. That After lodgment of the first information report, police conducted investigation and after completion of investigation have submitted chargesheet.

**4** The learned counsel for the applicant submitted that the alleged time and date of the incident is 8.3.2015 at about 1.30 a.m. That it is the prosecution case that an unknown person accompanied Ali Akbar @ Jabbar Momin at the time of abduction of Firoz. She submitted that for establishing the identity of the said unknown person the prosecution has not conducted the test identification parade till date. She submitted that as a matter of fact the applicant was in Kalyan District Prison on 8.3.2015 in some other crime and he was taken into custody in the present offence subsequently by the police. She has relied upon the jail card issued by the jailer of Kalyan District Prison which is at page-81 to the present application.

After perusing the documents annexed to the application, prima facie it appears that there is substance in the contention raised the leaned counsel for the applicant. The prosecution has not conducted test identification parade to establish the identity of the applicant as the other person who accompanied with Ali Akbar.

5 In view of the above the applicant has made out a case for his release on bail.

Hence, the following Order:

- (i) The applicant be released on bail in CR No.I-123 of 2015 registered with Central Police Station, Ulhasnagar, District- Thane on his furnishing PR bond of Rs.20,000/- with one or more local sureties in the like amount.
- (ii) After his release from the jail, the applicant shall attend the Central Police Station, Ulhsnagar on every First Monday of the month between 11.00 a.m. to 2.00 p.m.
- (iii) The applicant shall also attend all the dates before the Trial Court.
- (iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation

of bail.

7 The Application is allowed in the aforesaid terms.

**(A.S. GADKARI,J.)**