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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 655 OF 2016

Shahidali Wajidali Qureshi

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Kuldeep S. Patil for applicant.

Mr. Vinod Chate, APP for State.

Mr.S.R. Kanse, PSI, Sanpada Police Station, Navi Mumbai present.

CORAM: A.S. GADKARI, J.

DATE : 6th September 2016.

P.C.

1 This is an application for bail under Section 439 of Cr. P.C. The applicant is seeking bail in CR No.I-2 of 2015 dated 4.1.2015 registered with Turbhe Police Station, Navi Mumbai under Sections 302, 201 of the Indian Penal Code.

2 The first information report is lodged by Shri Manoj Y. Meher, a fisherman, resident of village Sarsole, Nerul, Navi Mumbai. In the said report, the informant has stated that on 4.1.2015 at about 11.00 a.m., he and other witnesses noticed a dead body of a woman lying in the jungle near

the streamlet on the Palm Beach road, Navi Mumbai. That there were deep cut wounds on the throat of the deceased and the said body was in burnt condition. After lodgment of the first information report, the police have conducted investigation. During the course of investigation, it was revealed that the name of the deceased was Smt. Nagma Banu, wife of the present applicant. During the course of investigation, it was revealed that, relations between the applicant and his wife deceased Smt. Nagma Banu were strained and the applicant used to beat the deceased for trifle reasons. After completion of investigation and receipt of medical report and other relevant documents, the police have submitted chargesheet in the Court of competent jurisdiction.

3 Heard the learned counsel for the applicant and the learned APP. I have also perused the entire chargesheet annexed to the present application.

4 The witness namely Smt. Jamilabanu A. Qureshi in her statement submitted that the deceased Smt. Nagma Banu was her daughter. That she was earlier married and after taking talaq, she again married with the present applicant. That the applicant used to take doubt on her chastity. That there were frequent quarrels amongst themselves. She expressed strong suspicion for disappearance of her daughter Smt. Nagma Banu

against the applicant.

The prosecution in all has propounded four circumstances against the applicant, which in nutshell, are mentioned below:

- (i) Strong suspicion against the applicant;
- (ii) missing complaint about Smt. Nagma Banu lodged by the applicant on 15.1.2015.
- (iii) recovery of knife at the instance of the applicant.
- (iv) CCTV footage wherein the applicant seen last in the company of the deceased on 2.1.2015.

5 As far as the circumstance of the CCTV footage is concerned, the prosecution till date has not received the certificate as contemplated under Section 65(B) of the Indian Evidence Act. As far as circumstance (ii) regarding missing complaint lodged by the complainant is concerned, it would only demonstrate the conduct of the applicant. As far as circumstance (iii) i.e. recovery of the knife at the instance of the applicant is concerned, it is to be noted here that the said knife was recovered from a mud filled gutter. Apart from aforestated circumstances, there is no other evidence on record to connect the applicant in the present crime except circumstance (i) i.e. strong suspicion. The learned APP has fairly submitted that there are no antecedents at the discredit of the applicant. In view of the

above, the applicant has made out a case for his release on bail.

6 Hence, the following Order;

(i) The applicant be released on bail in CR No.I-2 of 2015 registered with Turbhe Police Station, Navi Mumbai on his furnishing PR bond of Rs.25,000/- with one or more local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Turbhe Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m. till completion of trial.

(iii) The applicant shall attend all dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)