

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICTION NO.1158 OF 2015

Sahmatkhan @ Dauwa Ali Sherkhan. ..Applicant.

vs.

The State of Maharashtra. ..Respondent.

Mr. Mohd. Idris Jand with Mrs. Seema Singh for the Applicants.

Mrs. P. P. Shinde, APP. for the State.

Mr.S.R.Tugave, API from Tuling Police Station, Palghar present.

CORAM : A.S.GADKARI, J.

DATE : 22nd January, 2016.

P.C.

The applicant is seeking bail in CR No.153/2015 registered with Nalasopara Police Station, District-Palghar then culminated in Sessions Case No.86/2013 under Section 302 read with 34 of the Indian Penal Code.

2) The first information report has been lodged by Smt. Salma Kamla Shaikh. In brief, it is the prosecution case that accused No.1 Hikmat Khan Sherkhan and his wife Jyoti had taken a room bearing Room No.406 on rental basis from deceased Smt. Parveen Dulani. The wife of accused No1 had gone to native place and the said room was kept locked. The accused No.1 did not pay the rent of the said room and therefore, the deceased gave the said room on rental basis to the complainant. On 8.3.2013, the accused No.1 and the applicant went to the house of deceased and enquired about the bag and baggages which was kept in room No.406. At that time, altercations took place. However, the accused No.1 Hikmat Khan and the applicant

Sahmatkhan left the premises. On 9.3.2013, in the morning at 9.00 a.m. the original accused No.1 and the applicant went to the house of deceased Parveen Dulani and committed her murder with the aid of grinding stone and knife. The deceased succumbed to the injuries on 18.3.2013 while taking treatment. After completion of investigation the police have filed the charge sheet.

3) The evidence available on record against the present applicant is that, the complainant had seen the accused No.1 Hikmat and the present applicant running away from the scene of offence and that she has chased them from some distance. There are statements of two other witnesses namely Ayub Amir Khan and Mohd. Hanif Mohd. Jallad. The said two witnesses are occupants of the said building and they in their statements have stated that after hearing the commotion on the third floor when they were climbing the stair case they saw two persons going down from the stair case and their clothes were stained with blood. That, the complainant and the other eye witness Ayub Amir Khan have identified the applicant as the person, to whom they saw running from the scene of offence. Apart from this, there is no other evidence available on record. In view of the same, the applicant has made out a case for his release on bail.

4) Hence, the following order.

ORDER

a) The applicant be released in CR No.153/2013 registered with Nalasopara Police Station, District Thane on his furnishing PR

bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the Investigating Officer on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.

c) The applicant shall not tamper with the evidence and or influence with the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)