

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1182 OF 2015

Mr. Ajmal Shafi Khan.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr. Hussain Shaikh for the Applicant.

Smt. S.S.Kaushik, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 06th January, 2016

P.C.

The applicant is seeking bail in CR No.769 of 2013 registered with Santacruz Police Station under Section 436 read with 34 of the I.P.C.

2) The complainant Mr. Anisur Rehman Jagrala has lodged first information report dated 19.12.2013 stating that he runs a hotel in partnership by name Cafe Pakija at Santacruz(w). That, on that day in between 2.00 to 3.00 a.m. in the night some persons came on motor cycle and threw inflammable substance on the shed of the hotel and set it on fire. His Manager immediately came out of the hotel and saw that three persons were throwing inflammable substance on the curtain of the hotel and the said three persons ran away as soon as they saw the Manager. The persons gathered on the spot extinguished the fire. In the premise, he lodged the said report. After investigation charge sheet has been filed.

3) Heard learned counsel for the applicant and the learned APP. Perused the documents produced before me. It appears from the record that the applicant has been arrested only on the basis of

suspicion. It is the settled position of law that however strong the suspicion may be, it cannot take the place of legal proof. The record discloses that, there is no other evidence against the applicant. In view of the above, I am inclined to release the applicant on bail.

Hence, the following order.

ORDER

- a) The applicant shall be released on bail in CR No.769 of 2013 registered with Santacruz Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) After release from Jail the applicant shall attend the trial court on every 1st and 3rd of the month Monday between 11.00 a.m. to 1.00 p.m. till the conclusion of the trial.
- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)