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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1368 OF 2015

Rizwan Nazar Abbas Sayyed @ Pathan

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. Ajay Tripathi for applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 8th January 2016.

P.C.

1 The applicant is seeking bail in CR No.I-18 of 2014 registered with Mumbra Police Station under Section 302 read with Section 34 of the Indian Penal Code.

2 The first information report dated 7.1.2014 has been lodged by the Jalaluddin Answari the brother of the deceased Imran Ansari. In the said first information report it is stated that the informant received information that the applicant along with co-accused Anil Gupta assaulted deceased Imran by a knife. The deceased Imran was declared dead before admission to the hospital. After completion of the investigation, the

chargesheet has now been filed by the Police.

3 The record discloses that the date of the incident is 7.1.2014 at about 10.30 p.m. That the statements of two eye-witnesses namely Asraf Shaikh and Mohammed Shaikh at page nos.37 and 38 of the present compilation have been recorded on 11.1.2014 i.e. after a gap of about four days. The statements of eye-witnesses namely Junaid Sayyed and Adnan Mufti have been recorded by the police on 15.1.2014 i.e. after a gap of about eight days. There is a discovery of knife at the instance of the applicant from an open space i.e. near the spot of incident at road. The discovery panchanama is dated 10.1.2014. The statements of eye-witnesses are recorded after the discovery of knife from open place.

4 Taking into consideration the aforesaid facts, I am of the opinion that the applicant has made out a case for his release on bail.

5 Hence, the following order:

(i) The applicant be released on bail in CR No.I-18 of 2014 registered with Mumbra Police Station on his furnishing PR bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Mumbra Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon till conclusion of trial.

(iii) The applicant shall not tamper with prosecution evidence and/or influence the prosecution witnesses.

6 The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)