IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
**CRIMINAL BAIL APPLICATION NO. 2006 OF 2016**

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| Imran Ramdan Mujawar | ... | Applicant |
| Vs. | | (Orig. Accused No.1) |
| The State of Maharashtra | … | Respondent |

Mr. Solkar Mohd. Amin, Advocate for the applicant.
Mr. R.M.Pethe,APP, for the State.

**CORAM: SMT.SADHANA S.JADHAV, J.**
**DATE : 5th December, 2016.**

**P.C**.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 1.10.2015 in Crime No.83 of 2015 registered at Hupri Police Station for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that in the intervening night of 30.9.2015 and 1.10.2015, the complainant was informed by his relative that his son Shahanur Mujawar had died homicidal death and was lying in a pool of blood. The complainant had rushed to the spot and had seen his son

lying in a pool of blood. He was taken to the hospital where he was declared dead. the cause of death was head injury.

3. It appears from the papers of investigation that the deceased Shahanur had an evil eye upon the women residing in the said locality. The applicant is also residing in the said locality. That certain photographs of some women were found in the pocket of the deceased at the time of inquest panchnama. It is the case of the prosecution that the deceased also had an evil eye upon close relatives of the present applicant and, therefore, according to the investigating agency, there is every possibility that the applicant had met homicidal death. The statement of the witnesses would reveal as far as the motive is concerned. At the same time, the Court cannot be oblivious of the fact that there is no direct evidence against the present applicant.

4. The learned counsel for the applicant submits that the applicant has been arrested only on suspicion and there is no incriminating material which may be converted into legal and admissible evidence at the time of trial.

5. Taking into consideration the papers of investigation and the statements of the witnesses, the applicant deserves to be enlarged on bail.

6. It is made clear that the above observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

**O R D E R**

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

**(SMT. SADHANA S.JADHAV, J.)**