

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2078 OF 2015

Javed Mohammad Shafi Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kuldeep S. Patil for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Bhushan Mhatre, Police Naik, Uran Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 4th FEBRUARY, 2016.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is arrested in Crime No.I- 54 of 2015 registered at Uran Police Station, District Raigad, for offences punishable under sections 302 and 201 r/w section 34 of the IPC.

2. The case of the prosecution in brief is that on 15.3.2014 one Shri Narayan Ramchandra Koli, had given a missing report stating that his son Jay Koli was missing since 13.3.2014. Subsequently, the complainant, who was on duty as P.S.O. had received a phone call stating that one cloth bundle, which was emitting foul smell was near

creek of Bori Pakhadi village. The complainant visited the said place with other police men and upon opening the said cloth bundle they found amputated parts of a human body in the said bundle. The body was identified that to be of Jay Koli. A crime was registered and in the course of the investigation, accused Shafi Abdul Majid Shaikh was arrested for committing murder of said Jay Koli. The investigation also revealed that the Applicant was involved in destroying the evidence and as such the Applicant was arrested on 23.1.2015 and upon completion of the investigation, charge-sheet was filed before the Sessions Court, Raigad at Alibag. The application for bail filed by the aforesaid Applicant before the Sessions Court, Raigad, came to be dismissed vide order dated 1.7.2015. Hence, the present application.

3. Mr. Kuldeep Patil, the learned counsel for the Applicant submits that the charge against the Applicant is only of destroying the evidence. He submits that the offence of section 201, with which the Applicant is charged is bailable and as such the Applicant is entitled for bail.

4. Mr. Sait, the learned APP for the Respondent -State, under instructions submits that the only material available against the Applicant is that he had helped the main accused in disposing of the

body. In lieu thereof, he was given a gold chain belonging to the deceased. He further submits that the gold chain has been recovered at the instance of the Applicant. The learned APP further submits that the Applicant has criminal antecedents and as such stringent conditions shall be imposed on the Applicant.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. Perusal of the charge-sheet prima facie indicates that the Applicant herein was not involved in committing murder of Jay Koli but only involved in disposing of the body. The Applicant is alleged to have committed an offence under section 201 of the IPC. Said offence, if proved, maximum punishment is seven years and as per the schedule is a bailable offence.

6. Considering the aforesaid facts, the application is allowed on the following terms and conditions:-

- (i) The Applicant is ordered to be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand only) with one surety to the like amount to the satisfaction of the Additional Sessions Judge, Raigad at Alibag.

(ii) The Applicant shall not interfere with the complainant or other witnesses and shall not tamper with the evidence.

(iii) The Applicant shall not leave District-Raigad till completion of the trial and attend each and every date of hearing.

(ANUJA PRABHUDESSAI, J.)