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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2487 OF 2015

Akhil Ahmed Jalil Ahmed Quereshi

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. R.V. Gupta for applicant.

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

Mr. V.J. Dorugade, P.S.I. Powai Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 13th January 2016.

P.C.

1 The applicant is seeking bail in CR No.296 of 2015 dated 9th June 2015 registered with Sakinaka Police Station, Andheri, Mumbai under Section 302 read with 34 of the Indian Penal Code.

2 The first information report dated 9th June 2015 was lodged by Mr. Mohd. Hanif Khan brother of the deceased Abdul Hamid Ahat Khan @ Sohail Kashmiri. In the said FIR, the complainant has stated that prior to the date of incident, there was enmity between the deceased Sohail and Shakeel Muttonwala. He has further stated that the said enmity had arisen

due to money transaction between Shakeel and Sohail. It is due to the said enmity, Shakeel Qureshi @ Muttonwala along with his accomplice has committed murder of Sohail. After investigation, the police have now filed charge sheet in the case.

3 The learned Counsel for the applicant submitted that the co-accused Raffiquulla Jabbar Ali Khan has been released on bail by this Court vide order dated 14th December 2015. He submitted that the applicant in the present application also stands on the same and similar footing except an additional circumstance of recovery of a sword, full pant and a blue colour jeans pant at the instance of applicant. The discovery panchanama dated 13.6.2015 is at page 44 of the present application. The learned Counsel for the applicant submitted that no witness in the chargesheet has attributed any role to the present applicant regarding use of the sword in the present crime. He further submitted that the applicant has not been seen in CCTV footage seized by the police during the investigation.

4 It is to be noted here that the discovery panchanama of the sword nowhere mentions that the said sword was having blood stains on it. The learned APP on instructions submitted that the Chemical Analyser's report pertaining to the blood stains found on the clothes of the applicant

has not been received till date.

5 I have perused the chargesheet and relevant documents annexed to the present application. It is the fact that a sword is recovered at the instance of the applicant. The recovery panchanama does not mention about any blood stains noticed on the said sword. No witness has attributed any specific role to the applicant about use of the said sword.

6 In view of the above, I am of the opinion that the applicant has made out a case for his release on bail.

Hence, the following order:

- (i) The applicant shall be released on bail in C.R. No.296 of 2015 registered with Sakinaka Police Station, Andheri, Mumbai on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall attend Sakinaka Police Station once in a fortnight on Monday between 10.00 a.m. to 12.00 noon;
- (iii) After his release, the applicant shall submit proof of his residential address with Investigating Officer and also with the Trial Court;
- (iv) The applicant shall not tamper with and/or influence the prosecution witnesses;

- (v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)