

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 911 of 2015
[Saddam Khan Majid Khan Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. C.R. Thakur, Adv., for the Applicant.
Mr. S.S. Doifode, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th January, 2016.

The applicant was arrested on 11th May, 2015 in connection with Crime no. 229 of 2015 for offence under Section 302 read with Section 34 of Indian Penal Code, registered with Gittikhadan Police Station, Nagpur.

Heard learned counsel for the rival parties. Perused the charge-sheet and the statements of the witnesses.

Upon perusal of the statements of the witnesses, it is clear that the present Applicant - Saddam Khan Majid Khan was a servant working in the shop where the wife of deceased Abdul Rajik, namely Shahenaz Jahan, was also working. But considering all the statements, it is seen that the illicit relations with the wife of the

deceased were not with Saddam, but with Mohd. Ashfaque and it is the case of the prosecution it is the Ashfaque who had planned and committed the murder of deceased Rajik, from whom Kukri having stains of Blood Group of the deceased is said to have been recovered. It, therefore, clearly appears prima facie that the present applicant Saddam did not have any reason to finish off Rajik, but it was Ashfaque who was instrumental in the said act and is the main culprit. At any rate, the evidence collected by the prosecution against the applicant is not of direct nature, but the evidence is seizure of a mobile phone of the deceased from him and blood-stained clothes of Blood Group 'A', which evidence cannot be tampered and, therefore, I think, the applicant should be enlarged on bail. Hence the following order:-

ORDER

- [a]** Criminal Application [BA] No. 911 of 2015 is allowed.
- [b]** Applicant shall be released on bail upon furnishing a Personal Bond in a sum of Rs. 20,000/- [rupees twenty thousand only] with one surety in the like amount, in connection with Crime No. 229/15 registered with Gittikhadan Police Station, Nagpur, for offence punishable under Section 302 read with Section 34, Indian Penal Code

[c] The applicant shall not threaten, pressurize or influence the prosecution witnesses or tamper with the prosecution evidence. Any such act on the part of the applicant shall lead to recall of this order.

Judge

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