

Anand

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

BAIL APPLICATION NO.493 OF 2017

Jafar Kadar Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Rahul Kadam i/b. Mr.M.J.Pathan, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.04.2017

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his
enlargement on bail in connection with C.R.No.308 of 2016
registered with the Kondhwa Police Station, District - Pune, for
the alleged offences punishable under Sections 302 & 377 r/w.34
of the Indian Penal Code.

3. Learned counsel for the Applicant states that there is
no material to connect the Applicant with the alleged offences.
He submitted that there is no evidence of last seen. He further

submitted that although witness - Jainab Shahid Sayyed's statement shows that she had seen the deceased Murtuza being taken by two persons on 25.07.2013 at about 11.25 p.m., no identification parade has been held, to enable the witness to identify the Applicant.

4. Learned APP does not dispute the aforesaid facts.

5. Perused the papers.

6. According to Jainab Sayyed's statement, on 25.07.2016 at about 11.25 p.m., she had seen Murtuza (deceased) near More Mall, at Kondhwa, Pune alongwith two unknown persons. Learned APP on being asked, on instructions states that the incident has taken place on the terrace of a hotel which is about one and half kms from the said spot. According to Jainab Sayyed, one person had held Murtuza's hand and was pulling him and the other accused was following him. Admittedly, no identification parade has been held in the said case. There is no recovery of any weapon. There are no antecedents qua the Applicant.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned Police Station on the **first Monday of every month** between **10:00 a.m. to 11.00 a.m.** till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)