

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.1701 OF 2017**

**BILAL AHMAD ANSAR ANSARI )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Ms.Glady Pereira, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 31<sup>st</sup> OCTOBER 2017**

**P.C. :**

1 Applicant Bilal Ahmad Ansar Ansari – accused in Crime No.I-198 of 2016 for offences punishable under Sections 302, 452, 427, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code (IPC) registered with Police Station Bhiwandi Taluka, Thane, at the instance of Khusboo Mehmood Hasmi, by this application is seeking his release on bail after filing of the charge-sheet.

2            Heard the learned advocate appearing for the applicant / accused. By pointing out the order dated 12<sup>th</sup> June 2017 passed by this court in Criminal Bail Application No.607 of 2017 in the matter of co-accused Ansar Ahmad Mohamad Shabir Ansari, the learned advocate submitted that case of the present applicant / accused is on par with said Ansar Ahmad Mohamad Shabir Ansari and he has been released on bail by this court. The applicant / accused is therefore entitled for similar treatment. She further argued that eye witnesses examined by the Investigator has not ascribed any role to the present applicant / accused in the crime in question.

3            The learned APP has opposed the application by pointing out the First Information Report (FIR) lodged by Khusboo and submitted that this FIR itself reflects confession made by the present applicant / accused regarding commission of murder of Mehmood Hasmi. The learned APP further relied on statements of other witnesses reflecting the confession by accused persons.

4           I have carefully considered the submissions so advanced and also perused the entire charge-sheet. Postmortem report shows that Mehmood Hasmi died homicidal death.

5           It is the case of the prosecution that deceased Mehmood Hasmi was found in the house of Mazharali Abdul Rashid Ansari at about 3.00 a.m. of 11<sup>th</sup> September 2016, obviously for commission of theft. He was, therefore, assaulted by accused persons, who are residents of the locality by means of cable wire, plastic pipe, wooden logs etc.

6           Mazharali Abdul Rashid Ansari, Maulana Zakir Rasuddin Shaikh, Rekha Benbanshi and Vinod Benbanshi are eye witnesses to the crime in question. They have not vouched about presence of the applicant / accused on the scene of occurrence at the time of the incident. The applicant / accused is named by First Informant Khusboo as a person who was accompanying other accused persons, when they dashed at her house to inform her

that her husband has been killed. The so called confession in the wake of its vagueness cannot be attributed to the present applicant / accused at this stage.

7 Co-accused Ansar Ahmad Ansari has already been released on bail by this court vide order dated 12<sup>th</sup> June 2017 in Criminal Bail Application No.607 of 2017. The applicant / accused is also entitled for same treatment on principle of parity and as such, the order :

**ORDER**

- i) The application is allowed.
- ii) The applicant / accused in Crime No.I-198 of 2016 for offences punishable under Sections 302, 452, 427, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code (IPC) registered with Police Station Bhiwandi Taluka, Thane, is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.

iii) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

iv) The application is disposed of.

**(A. M. BADAR, J.)**