

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.921 of 2017
[Shabbir Rasul Mohammad Sheikh Vs. State of Mah. PS Chimur,
Distt. Chandrapur]

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

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
 Mr. J. Y. Gurde, Addl. Public Prosecutor for the respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 11th October, 2017

The applicant, who has been arrested on 19th March, 2017 for his alleged involvement in Crime No. 367/2016 registered at Chimur Police Station, Distt. Chandrapur, for the offences punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code, seeks his release on bail.

As the First Information Report [FIR] lodged by one Durga, her brother - Manoj had gone to Chimur on 24th December, 2016. He had returned at night, and left the house after receiving a phone call. On the next day, i.e., on 25th December, 2016, it was learnt that said Manoj had been murdered and his body was found in a field. On the basis of this report, a crime came to be

registered. The present applicant came to be arrested on 19th March, 2017. This arrest was on account of being named by one Suraj More during the course of investigation.

It is submitted on behalf of the applicant that there is no material, whatsoever, collected against the present applicant. Only on the basis of the statement of said Sanjay More, the applicant has been implicated. There is no seizure effected from the applicant. Merely because the applicant's wife was the sister of accused no.1, he has been implicated. He has referred to the statements filed along with charge-sheet.

The application is opposed by the learned APP by relying upon the reply. It is submitted that during the course of investigation, it was found that the applicant was in the village just prior to the incident and two days thereafter. The Call Detail Reports indicate conversation between the accused no.1 and present applicant between 19th December, 2016 and 21st December, 2016. It is, therefore, submitted that since involvement of the applicant has been found, he is not entitled to be released on bail.

Perused the FIR and statements filed along with the charge-sheet.

The initial statement of Suraj More is dated 26th

December, 2016, in which present applicant has been named. In the supplementary statement recorded two days thereafter, he has stated that he had learnt that the applicant was present along with accused no.1 and her brother. It was further stated that after the incident, the applicant had left the village. This Suraj More is not an eye-witness to the incident and his only statement is that he had seen the applicant in the village. All the incriminating material has been seized from accused nos. 1 and 2. There is prima facie no material against the present applicant and merely on the basis of the call detail reports, he is sought to be implicated. It is not be noted that the applicant's wife is the sister of accused no.1. I, therefore, find that the applicant has made out a case for being released on bail.

In view of aforesaid, the applicant, who has been arrested pursuant to Crime No. 367/16 registered at Chimur Police Station, Distt. Chandrapur, for alleged offences punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code, is directed to be released on bail on furnishing a Personal Bond of Rs. 20,000/- [rupees twenty thousand only] with two sureties in the like amount from Chandrapur district. The applicant shall report at Chimur Police Station, Distt. Chandrapur on the first Monday of December, 2017 and thereafter on the first Monday of the month thereafter, i.e., February, 2018. He shall attend the concerned Police Station as per directions of the Investigating

Officer. On the commencement of the trial, the Sessions Court shall pass appropriate orders for securing his presence.

Application is allowed in aforesaid terms.

The observations made in this order is only for deciding this bail application.

Judge

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