

Anand

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

BAIL APPLICATION NO. 1168 OF 2018

Aftab Vakil Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Nilesh Pandey a/w Ms P. Shukla i/b. Mr. A. K. Upadhyay,
Advocate, for the Applicant

Ms Pallavi Dabholkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 91 of 2018 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 498A r/w 34 of the Indian Penal Code.

3. Perused the papers, in particular, the dying declaration of deceased – Farida. According to Farida's dying declaration, it was Tahzib, who poured Kerosene on her person when she was asleep and

Kafil set her ablaze. According to Farida, when she started shouting / screaming for help, the Applicant (Farida's husband) came to the spot and extinguished the fire. According to the prosecution, when Farida was being ill-treated by the relatives, the Applicant (Farida's husband) was a silent spectator. It is not the prosecution case, that the Applicant was present at the spot when she was set ablaze by her brother-in-law. The Applicant is in custody since 22.03.2018.

4. Considering the role of the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 20,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on **every Sunday** between **10:00 a. m. and 11:00 a. m.** till the filing of the charge-sheet;
- (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.

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

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)