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

BAIL APPLICATION NO.1576 OF 2017

Mohd.amjad Khalil Siddhiqui

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Prashant Ganeshnarayan Pandey for the Applicant.

Smt. J. S. Lohokare, APP for the Respondent/State.

PSI R.N. Sawant, Malvani Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 2nd FEBRUARY 2018.

P.C.:

1] This is an application under section 439 of Cr.P.C. for bail in CR No.780 of 2015 dated 17th December, 2015 registered with Malvani Police Station, Mumbai under sections 302, 376, 452 of the Indian Penal Code.

2] Heard learned counsel appearing for the applicant and learned APP for the State. Perused the chargesheet

3] It is the prosecution case that, the applicant unlawfully and forcefully entered into the residential premises of Ms. Shamaparvin (deceased) on 17th December 2015 at about 6.30 pm, committed rape on her and

thereafter poured kerosene on her person and ignited it. The said Shamaparvin expired on 18th December, 2015 while undergoing treatment at hospital.

During the course of investigation the applicant came to be arrested on 19th December, 2015. After completion of investigation police have filed the chargesheet.

4] The record indicates that there are two dying declarations of the deceased Ms.Shamaparvin on record. The first dying declaration is recorded by the police officer when the deceased was admitted to the hospital on 17th December, 2015. The second dying declaration is recorded by Special Executive officer on the same day. It appears from the said dying declarations that the deceased has nowhere stated about the incident of rape upon her and has stated that unknown person entered inside her house, poured kerosene on her and ignited it.

5] The record *prima facie* indicates that the only a piece of evidence put forth by the prosecution against the applicant is that, a paper chit was found in the house of the deceased which was noticed by her father on which a mobile number was written and the said mobile number is of the applicant.

6] In view of the above, the applicant can be released on bail.

Hence, the following order:

:: ORDER ::

- (i) The applicant be released on bail in CR No.780 of 2015 dated 17th December, 2015 registered with Malvani Police Station, Mumbai on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 10.00 am to 1.00 pm till the conclusion of trial.
- (iii) The applicant shall also attend all dates before the Trial Court.
- (iv) The applicant shall not tamper with the evidence and/ or influence the prosecution witnesses.
- (v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)