

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2799 OF 2018**

Aslam Daulat Khan

....Applicant.

Vs.

Union of India

....Respondent.

Mr. A. P. Mundargi, Senior Advocate with Ms. Pooja Sejpal with Ms. Akshata B. Desai I/by Mr. Nitin Sejpal for the Applicant.

Mr. H.S. Venegavkar with Ms. Priyamvada Singhanva for the Respondent.

CORAM : A. S. GADKARI, J.

DATE : 18th DECEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 39 of 2018 dated 1st April, 2018 registered with Nani Daman Police Station, District Daman under Sections 341, 302, 482, 201, 212, 120B read with Section 34 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act.

2 Heard Mr. Mundargi, the learned Senior Counsel appearing for the Applicant and Mr. Venegavkar, the learned counsel for the Union of India. Perused the charge-sheet.

3 The prosecution case in brief is that, due to earlier enmity

between the co-accused Jay Prakash Umashankar Pandey @ Pakiya and deceased Ajay Patel and Dhirendra Patel arising out of liquor business, the accused persons opened fire on the said deceased at Vishal Bar and Restaurant, Dabhel, Nani Daman and committed their murder. The accused persons thereafter, fled from the scene of offence from a Fortuner car. When the said Fortuner car was on its way to Mumbai, there was a break down due to some mechanical fault and therefore, the co-accused contacted the present Applicant and requested him to provide another vehicle. It is alleged that, the Applicant provided his vehicle namely Force car bearing No. MH-04, HM-9205 to the accused persons. That, till repair of the said Fortuner car, the accused persons took shelter in the office of the Applicant and after repair of the said Fortuner car, they fled away from the clutches of law.

During the course of the investigation, the Applicant came to be arrested on 27th June, 2018 and after completion of investigation, police have submitted charge sheet.

4 The role, as alleged against the Applicant, would fall within the purview of Section 212 of the Code of Criminal Procedure. As per the allegations made by the prosecution, the Applicant

provided his vehicle to the accused persons despite having knowledge that, the accused persons have committed murder of the aforesaid two persons and helped them in fleeing away from the clutches of law. Apart from the said fact, no other overt act is attributed to the Applicant.

5 In view of above, the Applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 39 of 2018 dated 1st April, 2018 registered with Nani Daman Police Station, District Daman, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend Nani Daman Police Station, District Daman, on every first Monday of the month between 11.00 a.m. and 2.00 p.m. till conclusion of the trial.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The Applicant shall not tamper with the evidence

and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)