

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

BAIL APPLICATION NO.2723 OF 2017

Mohd. Zahir Mohd. Alam Siddiqui

... **Applicant**

V/s.

The State of Maharashtra

....**Respondent**

Mr. Sachin B. Chandan, Advocate for the Applicant.

Mrs. A.A. Takalkar, APP for the Respondent – State.

CORAM : A.S.GADKARI, J.

DATE : 16th FEBRUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.427/2017 registered with Malvani Police Station, Mumbai under Sections 380, 302, 395 r/w 34 of the Indian Penal Code (now culminated into Sessions Case No.329/2017.)

2. It is the prosecution case that, the applicant alongwith other accused-persons committed murder of Khatunbegam Siddiqui, aged about 85 years and robbed valuable articles amounting to Rs.60,000/- from her residence. During the course of investigation, the applicant

came to be arrested on 04.02.2017 and after completion of investigation, the police have submitted charge-sheet.

3. Perused the charge-sheet.

As per the prosecution, the role of applicant in the present crime is revealed only on the basis of statement of the co-accused Noor Mohammad given under Section 27 of the Indian Evidence Act. Apart from that, there is an alleged extra judicial confession given by accused no.1 Noor Mohammad to Mr. Rafiq in the presence of witness Mohd. Mirza. The said extra judicial confession is shrouded with a doubt of its bonafide as it is made also in presence of five other witnesses.

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

Hence, the following order.

(a) The applicant be released on bail in C.R.No.427/2017 registered with Malvani Police Station, Mumbai (now culminated into Sessions Case No.329/2017) 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 the Malvani Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

(c) The applicant shall attend all the dates before the Trial

Court unless precluded by medical reasons.

(d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)