

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

CRIMINAL BAIL APPLICATION NO. 2860 OF 2017

Ansar Nawaz Multani.	... Applicant.
V/s.	
The State of Maharashtra	... Respondent.

Mr. Chetan Subhash Damre, advocate for applicant.

Ms. S.S. Kaushik, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 24, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for the State. Perused the papers of investigation.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 2/5/2017 in Crime No. 66 of 2017 registered at Yeola Taluka Police Station for offence punishable under section 302, 120B, 404 read with 34 of the Indian Penal Code. Investigation is completed and charge-sheet is

filed. The present applicant happens to be the original accused No. 4 in Crime No. 66 of 2017.

3 It is the case of the prosecution that on 28/4/2017 the first informant had learnt from his daughter on the cell phone that his father namely, Lalakha Multani had been killed and was lying in Bhulegaon forest near Shrirampur. The first informant and the other relatives had been at Ghulekar forest where they found dead body of Lalakha Guljarkha Multani. The investigation was set in motion.

4 The statement of Ramchandra Deore shows that on 27/4/2017 he had attended weekly bazar at Andarsul. In the afternoon at about 3 p.m. he had seen Lalakha(deceased), Kalim Yunus Multani, Bashir Harun Ansari and Shahrukh Mohd. Multani were proceeding on two motor cycles from Andarsul to Baijapur. He had disclosed the same to the police. There are witnesses who had seen the deceased lastly in the company of the accused Nos. 1, 2 and 3. As far as the present applicant is concerned, it appears that after his arrest, supplementary statements were recorded and the witnesses have disclosed that the

present applicant had also hatched conspiracy with the original accused Nos. 1, 2 and 3 and had caused homicidal deal of Lalakha in Bhulegaon forest.

5 Taking into consideration the material against the applicant by way of supplementary statements, this Court is of the opinion that since it is an omnibus allegation, the applicant deserves to be enlarged on bail.

6 The observations hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.

(iii) The applicants shall not tamper with the evidence.

8 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)