

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

CRIMINAL BAIL APPLICATION NO. 87 OF 2019

Bashir Harun Ansari ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Chetan S. Damre for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

Mr. Y. R. Patole, P. N. 350, Yeola Police Station, District Nashik present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 14, 2019.

P.C. :

. In Crime No. 66 of 2017 for an offence punishable under Sections 302, 120-B, 404 read with Section 34 of the Indian Penal Code, the Applicant is seeking regular bail. The Applicant came to be arrested on 1st May 2017 and was chargesheeted on 27th July 2017.

2. The case of the prosecution is based on the circumstantial evidence. The last seen theory based on the statement of witnesses is sought to be relied upon. There is the seizure of cash and vehicle from the present Applicant. Charge in the matter is already framed.

3. In the aforesaid background, if the case of the Applicant is appreciated which is opposed by the learned APP but for the statement of witnesses of last seen, this Court hardly notices any strong incriminating circumstances which warrants the further detention of the Applicant, particularly when the charge is framed.

4. In view thereof, the Applicant has made out a case for grant of bail. Hence, the following order.

ORDER

- (A) The Applicant be released on bail in Crime No. 66 of 2017 for an offence punishable under Sections 302, 120-B, 404 read with Section 34 of the Indian Penal Code, on executing PR Bond of Rs. 25,000/- with one or two sureties in the like amount.
- (B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- (C) The Applicant shall keep himself away from the jurisdiction of the court till conclusion of trial but for attending the proceedings.

(D) If the Applicant is found involved in any similar type of offence, prosecution is at liberty to approach before the learned Sessions Court for cancellation of bail.

5. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)