

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.898 OF 2019

Sk. Akram S/O Sk. Salim .Vs. State of Maharashtra, PSO, P.S.
Malkapur (City).

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. A.J. Thakkar, Advocate for applicant.
Mr.J.Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 09, 2019

Heard Mr. Thakkar, learned counsel for the applicant and Mr. Ghurde, learned Additional Public Prosecutor for the non applicant-State.

The applicant is in jail in connection with Crime No.387/2018 registered with Police Station, Malkapur (City), Tah. Malkapur, Dist. Buldana for an offence punishable under Sections 302, 201, 202, 203, 120-B read with Section 34 of the Indian Penal Code.

Gist of the prosecution as it could be seen from the charge-sheet is that on 17.10.2018 one Praful Bhole intimated to Police Station, Malkapur that a girl, aged about 6 -7 years is found to be in dead condition in a dry well situated in field Gat no.18/3 belonging to him. On the basis of the said, initially Accidental Death no.42/2018 was registered. The dead body was in decomposed condition. Therefore, for three days it was kept like that and on 20.10.2018 post-mortem was conducted and for DNA

profiling, bones were retained. During the investigation it was found by the investigator that the deceased girl was not ordinary resident of the vicinity or the village and therefore, in my view, the investigator rightly found that the girl of four years cannot travel till the well. Therefore, in my view, the investigator has rightly suspected that she must have been murdered and her body must have been thrown in the said dry well. Therefore, he registered an offence against unknown person vide Crime No.387/2018. The investigation further shows that one fully grown woman was also found to be murdered within the jurisdiction of Police Station, Muktainagar and therefore, there an offence was registered vide Crime No.188/2018 for an offence punishable under Sections 302,201, 202, 203, 120-B read with Section 34 of the Indian Penal Code. The investigation ultimately revealed that name of deceased in Crime no.387/2018 is Humera and deceased in Crime no.188/2018 at Police Station, Muktainagar is one Shabana bee Shaikh. Humera was found to be the daughter of Shabanbee and they were found to be wife and daughter of accused-Shaikh Aslam Shaikh Salim.

The investigation shows the role of the present applicant i.e. he helped main accused-Shaikh Aslam Shaikh Salim to destroy the evidence, he being the brother of the present applicant.

Since all the accusations are against Shaikh Aslam Shaikh Salim and the accusation against the present applicant is that he helped the main accused to destroy the evidence, in my view, since the charge-sheet is filed and entire investigation is over, in my view, applicant can be released on bail. Consequently, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Sk. Akram s/o Sk. Salim be released on bail in connection with Crime No.387/2018 registered with Police Station, Malkapur (City), Tah. Malkapur, Dist. Buldana for an offence punishable under Sections 302, 201, 202, 203, 120-B read with Section 34 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Malkapur (City), Tah. Malkapur, Dist. Buldana twice in a month i.e. on third Sunday and fourth Saturday of each month and shall be with the investigating officer from 11:00 a.m. to 03:00 p.m. till culmination of the trial.
- (iv) The application is allowed and disposed of.

JUDGE