

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

**CRIMINAL APPLICATION (BA) NO.1174 OF 2019**

Sk. Akram s/o Sk. Salim .Vs. State of Maharashtra, through PSO, PS,  
Muktainagar, Dist. Jalgaon.

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

Court's or Judge's orders.

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Mr. A.J. Thakkar, Advocate for applicant.  
Mr. V.A. Thakare, A.P.P. for non applicant-State.

**CORAM : V. M. DESHPANDE, J.**  
**DATED : JANUARY 16, 2020.**

Heard Mr. Thakkar, learned counsel for the applicant and Mr. Thakare, learned Additional Public Prosecutor for non applicant-State. Also, perused the entire charge-sheet.

Applicant is arrested in connection with Crime No.188/2018 registered with Police Station, Muktai Nagar, Dist. Jalgaon for an offence punishable under Sections 302 , 201, 202, 203, 120B read with Section 34 of the Indian Penal Code.

One Praful Bhole intimated to Police Station, Malkapur that a girl, aged about 6 to 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 at Police Station, Malkapur. The body was in decomposed condition. Postmortem was conducted and for DNA profiling, bones were retained. The investigator registered an offence vide

Crime No.387/2018 against unknown persons.

In the meanwhile, dead body of one fully grown woman was found within the territorial jurisdiction of Police Station, Muktai Nagar, Dist. Jalgaon. Therefore, an offence was registered vide Crime No. 188/2018.

During the investigation it is surfaced that the girl who was done to death was Humera, whereas the dead body of woman which was found in the jurisdiction of Muktai Nagar Police Station was found to be of Shabanabee Shaikh. During the investigation it was found that she was wife of Shaikh Aslam Shaikh Salim and Humera was his daughter. Shaikh Aslam is arrested.

Two different charge-sheets are filed in two aforesaid crimes registered with Police Station, Malkapur and Police Station, Muktai Nagar. Ultimately those crimes were culminated into registration of Sessions Trial No. 43/2019 and Sessions Trial No. 63/2019. Sessions Trial No.43/2019 was pending on the file of Additional Sessions Judge, Bhusawal whereas Sessions Trial No. 63/2019 is pending on the file of Additional Sessions Judge, Malkapur.

Criminal Application (APPLN) No. 44/2019 was filed before this Court by co-accused Sk. Aslam s/o Sk. Salim and present applicant who is brother of co-accused Sk. Aslam, for transferring Sessions Trial No.43/2019 pending on the file of Additional Sessions Judge, Bhusawal to the file of Additional Sessions Judge, Malkapur. This Court (Coram : Mrs. Swapna Joshi, J.) on 09.09.2019 allowed Criminal Application (APPLN) No. 44/2019 and transferred

the Sessions Trial No.43/2019 from the file of Additional Sessions Judge, Bhusawal to Additional Sessions Judge, Malkapur and accordingly it is submitted before this Court that both Sessions Trial are pending before the Additional Sessions Judge, Malkapur. It is also disclosed to this Court that charges are not yet framed.

This applicant had moved Criminal Application (BA) No.898/2019 before this Court for bail in Crime No.387/2018 and this Court after hearing the learned counsel for the applicant and learned Additional Public Prosecutor for State found that there is only allegation against the applicant in the said crime that he helped the main accused – Shaikh Aslam Shaikh Salim to destroy the evidence. In view of the said and looking to the fact that charge-sheet was already filed, vide order dated 09.10.2019 he was released on bail by this Court in connection with Crime No.387/2018.

The applicant is also arrested in connection with Crime No.188/2018 and since then he in jail. Said crime is culminated into Sessions Trial No.43/2019 which is now transferred and pending on the file of learned Additional Sessions Judge, Malkapur in view of the order passed by this Court in transfer petition as referred above.

After hearing the learned counsel for the applicant as well as learned Additional Public Prosecutor for the State in respect of the role of the present applicant qua Crime No.188/2018, it is revealed to this Court by learned Additional Public Prosecutor that role attributed to the

present applicant is that he has helped the main accused to destroy the evidence. Since that is the only role and this Court has already exercised discretion in favour of the applicant in Crime No.387/2018, looking to the said role, in my view, present application is required to be allowed. Consequently, I pass the 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.188/2018 registered with Police Station, Muktai Nagar, Dist. Jalgaon for an offence punishable under Sections 302 , 201, 202, 203, 120B read with Section 34 of the Indian Penal Code, on he executing P.R. bond in the sum of ₹50,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Malkapur (City), Dist. Buldhana twice in a month i.e. on third Tuesday and fourth Sunday and shall be with the investigating officer from 11:00 a.m. to 03:00 p.m., until culmination of trial.

The application is disposed of.

**JUDGE**