

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

BAIL APPLICATION NO. 300 OF 2021

Amira Sohrab Khan	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Adil A. Mirza i/b. Mr. A. A. Mirza, Advocate for the applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.
Mr. Santosh Darade, (API), Kalyan Taluka Police Station, Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	23 rd MARCH, 2021

PER COURT:

1. The applicant is arrested in C.R. No. I-558 of 2019 registered with Kalyan Taluka Police Station for offences under Section 302, 201 r/w Section 34 of Indian Penal Code. The applicant was arrested on 13th November, 2019.

2. The case of the prosecution is that, accused No.1 and the deceased were in relationship. They were residing together. The deceased came to know about the relationship of accused No.1 with the applicant. There were quarrels between the accused No.1 and deceased. To get rid off the deceased, the accused No.1 had allegedly throttled the deceased and called the applicant, who was his friend to conceal the body of deceased in a sack and thereafter, the accused

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No.1 had tried to dispose off the body by burning it. The prosecution is relying upon the calls exchanged between accused No.1 and the applicant. The investigation is completed and charge-sheet is filed.

3. On perusal of the charge-sheet it is apparent that the case is based on circumstantial evidence. There is no eye witness to the incident. The only role that has been ascribed to the applicant is that she was the friend of accused No.1. After the accused No.1 had allegedly killed the deceased, the applicant was called at the place of incident and with the aid of the applicant, the body of the deceased was packed in gunny bag which was thereafter taken by the accused No.1 to the place where he burnt it.

4. The prosecution is relying upon the CDR to indicate that there was calls between the applicant and accused No.1. It is not the prosecution case that, the applicant was present at the scene of offence at the time of murder. The charge can be attributed to the applicant for offence under Section 201 of IPC. The deceased was allegedly strangled by the accused No.1. The applicant is in custody from 13th November, 2019. The statements of witnesses were recorded under Section 161 of Cr.P.C. as well as 164 of Cr.P.C.. On perusal of the said statement it can be seen that no role of participation in the murder of the deceased has been attributed to

the applicant.

5. Learned APP submitted that relationship between the applicant and accused No.1 has been established. The applicant has participated in the crime. However, as stated above, there is no evidence to indicate that the applicant was involved in committing murder of deceased. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No. 300 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-558 of 2019 registered with Kalyan Taluka Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)