

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1656 OF 2020

Shafeeque Khan

Applicant

versus

The State of Maharashtra

Respondent

Ms.Reena Rolland for applicant.

Mr.Y.M.Nakhwa, APP, for State.

Mr.Irfan Shaikh, Police Inspector, Malvani Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st March 2021

PC :

1. The applicant is seeking bail in connection with CR No.777 of 2019 registered on 8th October 2019 with Malwani Police Station, Mumbai for offences under Sections 302, 397, 452, 341 and 120-B r/w 34 of Indian Penal Code. The applicant was arrested on 15th October 2019 and since then he is in custody. Investigation is over and charge sheet is filed.

2. The prosecution case is that the FIR was lodged by one Deepak. His mother was conducting Bhis and she had collected amount of Rs.1.50 lakh. That amount was kept in a locker in their house. On 7th October 2019 the first informant had gone to attend his work at 7.00 pm. He returned on the next day morning i.e. on 8th October 2019 at about 6.25 am.. At that time he saw that his mother Kanchan was lying on the floor. Her hands were tied and she was strangulated by using Odhani. The locker was broken. His mother's ornaments were missing. The amount kept in the locker was also missing. Police were informed. Offence was registered.

3. Learned counsel for applicant submitted that there is no evidence against applicant showing his involvement in crime. He is in custody from the date of arrest i.e. 8th October 2019. There is no witness to the incident. There is no evidence to show that the applicant has participated in the offence. The wife of applicant has been granted bail by this court vide order dated 7th January 2021.

4. Learned APP submits that statement of Pawan Kalicharan Gupta was recorded on 14th October 2019. He has stated that on 7th October 2019 he had seen applicant on motorcycle along with two other persons. All of them alighted from motorcycle. Thereafter all of them entered into the house of applicant. At about 3.30 he found that door was closed from outside. The applicant had pointed something to Rehman and another person. There is conversation between applicant and accused no.1. Learned APP relied upon CDR. According to learned APP, the cell phone number of applicant is 9664192802. However, on perusal of the arrest form of the wife of applicant, it can be seen that same cell phone is shown to be belonging to her. While granting bail to Nazrin Khan (wife of applicant), this Court had considered submission that there were calls between the said co-accused and accused no.1. Statement of Pawan Gupta was recorded on 14th October 2019. In the circumstances, further detention of applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No. 777 of 2019 registered with Malwani Police Station,

Mumbai, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Malwani Police Station once in a month on first Saturday between 11 am and 1 pm for a period of six months, and thereafter once in three months on first Saturday between 11 am and 1 pm till further orders;

(iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of sureties.

(PRAKASH D. NAIK, J.)

MST