

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

CRIMINAL APPLICATION (BA) NO.1145/2020

(Shaikh Hakim s/o Shaikh Lal vs. State of Maharashtra: Th.PSO PS
Washim (city))

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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 order

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Mr. D.G. Dhoble, Advocate for the applicant
Ms. Nivedita Mehta, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 14th January, 2021

The applicant has filed the present Application u/s 439 of the Cr.P.C. seeking bail for offence punishable under section 302 of the Indian Penal Code registered at Police Station Washim (city) in respect of Crime No.08/2018.

I have heard learned counsel for the respective parties. Perused the case papers.

After hearing both sides, it is noticed that the only allegation against the applicant is that the accused has committed the murder of his wife by throttling. Wahidabi Sk.Sattar, a neighbour stated in her statement that she had seen the accused entering his own house with tiffin. The said statement further indicates that in the evening she noticed that many people ran towards the house of the accused and when she also went to the house of the accused, she noticed that blood was oozing from the mouth of the deceased and she was declared dead by one person in the mob. The statement of one Abdul Kadam Abdul Rashid shows that the accused was seen on the platform of the Railway Station Akola in between 12.30 and 1.00 pm.

on the day of the incident. However at this stage, since it is not clear as to when exactly the death has occurred, the presence of the accused at the Railway Station does not assist the prosecution in any manner. In view of the facts and circumstances, the applicant is entitled for the relief. Hence the order.

ORDER.

The applicant –Sheikh Hakim Shaikh Lal, be released on bail for offence punishable under section 302 of the Indian Penal Code registered at Police Station Washim (city) in respect of Crime No.08/2018, on his executing a PR bond in the sum of Rs. 20,000/- (rupees Twenty thousand) with one solvent surety the like amount, on the following conditions :-

- (i) The applicant shall attend the Police Station, on every 1st and 3rd Saturday of the month, between 11.00 and 2.00 pm, till culmination of the trial.
- (ii) The applicant shall provide his residential address and cellphone number to the concerned Investigating Officer and he shall not change the same without prior intimation to the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution witnesses in any manner.
- (iv) The applicant shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

Criminal Application stands disposed of.

JUDGE

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