

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.987 OF 2022

Salman Munir Shaikh	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.P.S.Dighe, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 04, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0034 of 2022 registered with Shrirampur City Police Station, Tq. Dist. Ahmednagar.

2. Heard learned counsel appearing for the parties.
3. The FIR has been lodged on 12.01.2022 pursuant to the order passed under Section 156(3) of the Code of Criminal Procedure dated 04.01.2022.
4. The FIR pertains to the incident dated 13.02.2021. As such, there is delay of not less than ten months in registration of

the crime. The applicant has been behind the bars since 07.06.2022, i.e. for about two months. It is informed that there is no substantial headway in the investigation of the crime.

5. The FIR has been lodged by the father of the deceased. It is alleged that the applicant is criminal by nature. He was working as a Driver of the vehicle of the deceased. On 03.01.2021, the deceased along with the applicant herein had been to a hotel for dinner, when two cell phones of the deceased were snatched by three persons. The deceased suspected it to be the work of those three persons done at the instance of the applicant herein. The deceased had, therefore, slapped the applicant. It is alleged that the applicant got annoyed thereby and with a view to take revenge thereof, killed the deceased.

6. The dead body of the deceased was found in a canal. The cause of death is stated to be 'asphyxia due to drowning'. No ante-mortem injuries were noticed on his person. Learned counsel for the applicant has, therefore, every reason to contend that it may be a case of accidental death, suicide or murder as well. According to him, there is no iota of material to connect the applicant.

7. Learned APP would submit that there is a statement of one Sunil, who stated that the said Sunil and the applicant were together at the relevant time. According to learned counsel for the applicant, the statement of said Sunil runs counter to the prosecution case since he states that the applicant had been with him entire night on the day on which the alleged offence took place.

8. In the facts and circumstances of the case, this is a fit case to release the applicant on bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0034 of 2022 registered with Shrirampur City Police Station, Dist. Shrirampur., on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP