

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

BAIL APPLICATION NO. 1207 OF 2022

Rehmuddin Jalaloddin Pinjari

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.A. Kulkarni, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT, J.
DATE : 03rd OCTOBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 136 of 2022 registered with Akkalkuva Police Station, Dist. Nandurbar for the offences punishable under Sections 302, 307, 120-B and 506 read with Section 34 of the Indian Penal Code and under Sections 37(1) (3) and 135 of the Maharashtra Police Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim himself. On his demise, the F.I.R. became dying declaration. It has been stated therein that son of the

deceased had taken away wife of the applicant. The applicant had, therefore, been to the house of the deceased many a time. The applicant had given threats to his life. On 12th March, 2022 by 03:00 a.m., two unknown persons came to the house of the deceased. One doused him with petrol. The other one set him ablaze. The deceased died of extensive burns.

4. The case is based on circumstantial evidence. Involvement of the applicant has been suspected in the F.I.R. itself, since he had given threats to his life. There is material on record to indicate that at the relevant time, the applicant was away in Gujarat. It is the case of prosecution that the applicant had given a contract to kill the informant. The co-accused has eliminated the informant pursuant thereto. In support of its claim, the prosecution relied on Call Data Record between the applicant and co-accused - Dharamdas. There are two such calls, one before and other post incident. Except this material, admittedly there is nothing to indicate applicant's involvement. True, the finger of suspicion goes towards the applicant. It is reiterated that the case is based on circumstantial evidence. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. The Court is, therefore, inclined to grant the applicant bail. The trial Court shall not be influenced by the observations made hereinabove.

5. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 136 of 2022 registered with Akkalkuva Police Station, Dist. Nandurbar for the offences punishable under Sections 302, 307, 120-B and 506 read with Section 34 of the Indian Penal Code and under Sections 37(1)(3) and 135 of the Maharashtra Police Act, 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.

(R.G. AVACHAT, J.)

SSD