

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

BAIL APPLICATION NO.4052 OF 2021

Muzammil Riyaj Ahemad Chauki ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr.Rahul B. Vijaymane, Advocate for the Applicant.
Mr.A.A.Palkar, APP for the Respondent/State.
Mr.S.M.Kharatmol, Advocate for the Intervenor.

**CORAM : VINAY JOSHI, J.
DATE : 28th APRIL, 2022.**

P.C.:-

1. This is an application for grant of regular bail in C.R.No. 66 of 2021 registered with MIDC police station, District Solapur for the offence punishable under Sections 302, 397, 411, 414, 120B r/w 34 of the Indian Penal Code.
2. At the instance of report lodged by nephew of deceased, crime was registered. It is reported that some unknown persons have committed theft and murder of deceased. The applicant's learned counsel submitted that the arrest is merely on suspicion. There is no evidence against him. Nothing has been recovered at his instance. The State as well as learned counsel appearing for intervenor opposed the bail.
3. FIR was registered against unknown persons. The lady was found lying dead in her own house. Post Mortem report shows that death was caused due to strangulation. There are no eye witness to the occurrence. The learned counsel appearing for intervenor has only pointed out a memorandum statement of co-accused Amin Ali to specify the role of applicant. Whether the said can be termed as sufficient material against the applicant is subject matter of trial. The

role assigned to the applicant was to call the lady out of the house under pretext of paying rent. It is the prosecution case that co-accused Amin Ali caught hold the lady and killed her by way of strangulation. Co-accused Sanjay Gujale has assisted him in the said Act. Besides that the State is unable to point any incriminating material against the applicant. Co-accused Sanjay Gujale is already released on bail by this Court. Considering the nature of accusation and material collected against the applicant, a case of bail is made out. Hence, following order :-

(a) The Application stands allowed.

(b) The Applicant/accused Muzammil Riyaj Ahemad Chauki is released on bail in connection with C.R.No. 66 of 2021 registered with MIDC Police Station, District Solapur for the offence punishable under Sections 302, 397, 411, 414, 120B r/w 34 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(d) The applicant/accused shall not enter within the territorial jurisdiction of concerned Police Station till conclusion of trial.

(e) The application stands disposed in above terms.

(VINAY JOSHI, J.)

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