

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

CRIMINAL BAIL APPLICATION NO.193 OF 2022

Abdul Rafe S/o Fafeeqe Ahmed	..Applicant
Versus	
State of Maharashtra	..Respondent

Mr. Mahendra Sandhyanshiv, for the Applicant.
Ms. P. N. Dabholkar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 26th SEPTEMBER, 2022

PC.

1. Applicant after having suffered arrest on 30th July, 2021 was charge-sheeted in the Crime No.51 of 2021 registered with Ayesha Nagar Police Station, Malegaon for an offence punishable under Sections 302, 143, 149, 427, 212, 120-B, 506(2) r/w 34 of IPC.

2. Submissions of counsel for the applicant are, deceased Anees was murdered on 29th April, 2022. It is claimed that applicant has hatched criminal conspiracy with other accused persons in the matter of commission of offence in question.

3. Submissions of counsel for the applicant are, applicant is claiming parity with Mohammed Raza Rahees Ahmed who is ordered to be released on 12th July, 2022 in Bail Application No.200 of 2022 passed by this Court. He would urge that the allegation against the said accused/Mohammed Raza Rahees Ahmed was

serious than the one against the present applicant. Counsel for the applicant would urge that the role attributed to the applicant is that of providing medical aid to the accused persons and giving external support.

4. Learned APP while opposing prayer would invite attention of this Court to the statement of Farid Ahmed, the statement of wife of victim – Tahira which is recorded based on the CCTV footages and also the statement of other witness Mohammed Wasim. According to her, there is enough material on record to connect the applicant to the crime so as to infer active participation.

5. I have appreciated the said submissions.

6. The careful reading of the statements of aforesaid witnesses depicts that the role attributed to the applicant is that of providing medical aid and external support in the commission of crime. All the witnesses have referred to the applicant of aforesaid role based on hearsay evidence.

7. Apart from above, there is hardly any material on record to connect the applicant of actively participating in the crime in question.

8. The fact remains that Mohdammed Raza Rahees Ahmed who is ordered to be released by this Court on 12th July, 2022 was facing serious allegation as compared to present applicant. The case

of the applicant is on better footing than that of Mohammed Raza Rahees Ahmed who is already released. As such, the present application also needs to be allowed.

9. The applicant – Abdul Rafe S/o Fafeeqe Ahmed be released on bail in Crime No.51 of 2021 registered with Ayesha Nagar Police Station, Malegaon on furnishing PR bond of Rs.30,000/- with one or more sureties in the like amount.

10. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

11. Applicant shall give his permanent address and contact details to the Inspector of Police, Ayesha Nagar Police Station and intimate change, if any.

12. Applicant shall mark his presence at Ayesha Nagar Police Station on the first Monday of every alternate month in between 10.00 a.m. to 1.00 p.m. for a period of one year or till framing of charge whichever is earlier.

13. Applicant shall regularly attend the proceedings before the jurisdiction Court.

14. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]