

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

BAIL APPLICATION NO.2828 OF 2022

Amanali Riyazahemad Chouki

Age 26 yrs. Occ: labour

r/a Plot no.3 Ambika Nagar part

Nai Jindagi, Solapur

...Applicant/Accused.

(In Centrla Jail road prison,Solapur)

Versus

The State of Maharashtra

(through MIDC Police Station)

...Respondent.

...

Mr Rahul B. Vijaymane, Advocate for the Applicant.

Mr V.B.Konde-Deshimukh, APP for the State.

...

CORAM : R. N. LADDHA, J.

DATE : 13 DECEMBER 2022.

P.C.:

By this application, the Applicant is seeking bail in connection with C.R.No.66 of 2021 registered at MIDC Police Station, Solapur, against the Applicant for the offences punishable under Sections 302, 397, 411, 414, 120(B) r/w Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 2.2.2021, the first informant lodged an FIR to the effect that from 9.00 p.m. of 31.1.2021 to 9.00 p.m. of 01.02.2021, some unknown persons committed theft of gold ornaments and committed the murder of

the deceased.

3. Mr Rahul B.Vijaymane, learned Counsel appearing on behalf of the Applicant submitted that the Applicant has been languishing in jail since 17.03.2021. The arrest is merely on suspicion. There is no evidence against him. The statements of the witnesses are not consistent. Further, he submitted that the investigation is completed and, the charge sheet is filed and no fruitful purpose will be served by keeping the Applicant behind bars. It is submitted that the Applicant has no criminal antecedents.

4. Mr V.B.Konde-Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the accused. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against the accused persons.

5. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The applicant has remained behind bars since his arrest, i.e. 17.03.2021. The investigation is completed, and the charge sheet is also filed. The Applicant is just 26 years old. There are no eyewitnesses to the occurrence. Both the co-accused were already released on bail by this Court. There is nothing on record to show that the Applicant has criminal antecedents. Considering the nature of accusations and material collected against the Applicant, a case of bail is made

out.

6. In view of the above, the application is allowed in the following terms :

a) The Applicant Amanali Riyazahemad Chouki be released on bail in connection with C.R.No.66 of 2021 registered at MIDC Police Station, Solapur, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

c) The Applicant shall furnish the permanent address and contact details to the Inspector of Police, MIDC Police Station, Solapur and intimate the change, if any.

d) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

7. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]

