

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

CRIMINAL BAIL APPLICATION NO. 4270 OF 2021

Mohammad Wasim Jabbar	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Mr. Shailesh Kharat, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2022

PER COURT:

1. The applicant is seeking bail in connection with C.R. No. 1298 of 2020 registered with Chakan Police Station, Pune for offence punishable under Sections 302, 201, 120-B read with 34 of the Indian Penal Code. The applicant was arrested on 04.12.2020.

2. The case of the prosecution is that the dead body of the deceased was found near tin shed at Varale, Taluka Khed. There were injuries on his person. He was allegedly strangled by using belt. It was suspected that the applicant was involved in committing murder. The deceased had no liking for his daughter-in-law. He had

engaged accused No.2 to liquidate her. Some amount was parted for this work. For non-accomplishing the work assigned to accused, the deceased was demanding money parted by him. The deceased was killed by the accused. It is alleged that there is recovery of belt at the instance of the applicant. Both the accused were arrested. Investigation was completed and charge-sheet is filed.

3. The case is based on circumstantial evidence. There is no eye witness to the incident. The prosecution is relying upon the recovery of belt. The case of the prosecution is that the accused had motive to kill the deceased for not returning money is not spelt out by any independent evidence. It appears that the said fact was disclosed during the course of interrogation of the accused. It is also alleged that the victim was strangled by using belt. The postmortem report is silent on the opinion of cause of death as the opinion is reserved. The injuries were noticed on the interior part of the neck. It is also not clear whether these injuries could be possible by the strangulation with the belt. The learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. He is in custody for substantial period of time. Circumstantial

evidence is weak.

4. Learned APP submitted that there was motive to commit the murder. There is recovery of belt from the applicant. It is sufficient to show his involvement in the crime.

5. The case is based on circumstantial evidence. The circumstances relied upon by the prosecution are not strong. The applicant is in custody from the date of arrest. Hence, bail can be granted to the applicant on certain terms and conditions:-

ORDER

(i) Criminal Bail Application No.4270 of 2021 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 1298 of 2020 registered with Chakan Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs. 25,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(v) The applicant shall not tamper with the evidence.

(vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)