

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1084 OF 2022
WITH APPLN/2970/2022 IN BA/1084/2022**

1. Taufik Mukhtar Shaikh
2. Arjun @ Lalya Vikram Mali ...Applicants

Versus

The State of Maharashtra ...Respondent

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Advocate for Applicants : Mr. N.S. Ghanekar h/f Mr. K.S. Kahalekar

APP for Respondent/State : Mr. S.B. Narwade

Advocate for Assist to P.P./Complainant : Mr. Prashant Giri

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 14, 2023

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.
2. It is a case of the murder of a journalist. It has been alleged that he was abducted and killed. The evidence against the applicant with the prosecution is that they were captured in CCTV footage while boarding the car. The key of the two wheeler of the deceased was recovered at the instance of applicant – Taufik and applicant – Arjun has shown the routes where the deceased was taken.
3. As against the alleged circumstantial evidence, learned counsel for the applicants would submit that the CCTV footage was blurred. The alleged persons captured in CCTV footage had wore the

mask. The identification of the accused only on the basis of blurred images in the CCTV footage is harmful. Other circumstantial evidence is not sufficient to complete the chain of circumstances. The witnesses are not consistent. Therefore, the benefit goes to the accused.

4. Learned APP and learned counsel for the complainant have vehemently opposed the application. They would argue that the circumstantial evidence complete the chain of circumstances. A journalist had been killed as he was unearthing the truth. False allegations of blackmailing the present applicants have been made. The deceased never blackmailed the applicants. There are witnesses who heard from the mouth of the applicants that they have eliminated the deceased. Therefore, bail cannot be granted.

5. It is not in dispute that the images captured in the CCTV footage are blurred. The case rest upon circumstantial evidence is subject to the evidence before the trial Court. The applicants are behind the bar since last two years. There are no antecedents to their discredit. The apprehension of the prosecution of tampering with the prosecution witnesses can be guarded by imposing certain conditions. Even if the applicants are put behind the bar, no purpose would be served. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(ii) The Applicants, Taufik Mukhtar Shaikh and Arjun @ Lalya Vikram Mali, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount in connection with Crime No.286 of 2021, registered with Rahuri Police Station, District Ahmednagar for the offence punishable under Section 302, 201, 120B, 212, 363, 364, 341 r/w 34 of the Indian Penal Code, on the conditions that;

(a) The applicants shall not tamper with the prosecution witnesses.

(b) The applicants shall not enter Rahuri Taluka till conclusion of the trial.

(c) The applicants shall co-operate with the trial and shall avoid their absence during the trial.

(d) If the applicants remain absent during the trial for more than two times consecutively, this order will be recalled automatically. However, the trial Judge may take appropriate decision about the absence and if exemption is granted, then the above condition would not apply.

(iii) Criminal Application No.2970 of 2022 stands disposed of.

(S.G. MEHARE, J.)