

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 BAIL APPLICATION NO.1185 OF 2023

SHAIKH ALTAF SHAIKH KARIM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent-State : Mr. Y. G. Gujrathi.
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CORAM : S. G. MEHARE, J.
DATE : 04.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.167 of 2022, registered with Chudava Police Station, District Parbhani, for the offences punishable under Sections 302, 201, 120-B of the IPC.
3. The prosecution has a case that the main accused was agreed to sell his land to the deceased. He had received the huge amount from the deceased. However, he was not executing the sale deed. The main accused and the deceased were lastly seen together. It has been alleged that the main

accused hired present applicant to kill the deceased. The applicant killed the deceased on a contract and flee away.

4. Learned counsel for the applicant would submit that there is absolutely no evidence against the applicant except the surmises. The applicant had acquaintance with the main accused. But, he did not know about the incident. He was residing at Surat. But, the native places of the main accused and his were at 8 k.m. distance. No incriminating evidence has been collected against the applicant. Therefore, he may be granted bail.

5. Per contra, learned APP has produced the CDR pointing out that since prior to the incident and on the day of the incident, the applicant was in contact with the main accused. The post incident conduct of the applicant was suspicious. He immediately went back to Surat. One knife and his clothes were seized at his instance. That is the incriminating evidence against the applicant. The offence is grave. *Prima facie* sufficient circumstantial evidence to link the applicant with the offence is available. He may not be granted bail. The copies of the CDR produced by the learned APP have been shown to the learned counsel for the applicant. He has gone through the

CDR report and satisfied that there is nothing wrong in the CDR.

6. It is evident from the material collected by the Investigating Officer that the applicant and main accused were in contact and good friends. The main accused took the deceased to the field and then took at some distance and killed him. The recovery of the weapon and the clothes supported with the continuous telephonic contact between the main accused and the present applicant, appears *prima facie* sufficient evidence against the applicant. The deceased was murdered for no cause. The offence is serious. Hence, the Court does not incline to grant the bail.

7. Therefore, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-