

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

BAIL APPLICATION NO. 387 OF 2023

Imran Noorhasan Shaikh	...Applicant
vs.	
The State of Maharashtra	...Respondent

Ms. Anjali Patil a/w Ms. Mallika - Advocate for the Applicant
Mr. S. R. Agarkar - APP for the Respondent
API Rajendra Chandankar – Kashimira Police Station.

CORAM : S. M. MODAK, J.

DATE : 04th JULY, 2023

P. C. :-

1. Heard learned Advocate Ms. Anjali Patil for the Applicant who is accused no. 2 and learned APP for the Respondent-State.
2. The present Applicant alongwith accused no. 1 were charge-sheeted for committing murder of deceased who is minor. Initially, the F.I.R. of kidnapping was registered by mother of the deceased and when dead body was found, it is converted into Section 302. Charge-sheet is filed for the offence punishable under Sections 302, 387, 363, 120-B read with 201 of the Indian Penal Code. There is no eye witnesses to the ocular incident of the

murder. Prosecution mainly relied upon the following circumstances against the present Applicant:-

- a) Voice message in between both the accused prior to the incident.
- b) The statement of the mobile shop owner who has said two persons had come to his shop in recharging one mobile. It was subsequently found to be mobile of the deceased. Both accused were identified by him during the parade.
- c) Both the accused alongwith deceased was noticed in CCTV footages and after few hours only both the accused were seen on motor cycle.

3. Learned Advocate Ms. Patil tried her level best to convince me that the materials are not sufficient to detain the Applicant any more. She also tried to argue how the materials against both of them are different. However, I am not impressed by the argument. Whether the present Applicant just accompanied the accused No. 1 without any intention cannot be decided now. So I am not inclined to grant bail to this Applicant. At this stage, learned Advocate seeks liberty to withdraw this application with a liberty to file application after six months.

4. Application is disposed of as withdrawn. Liberty is granted as prayed for.

[S. M. MODAK, J.]