

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 947 OF 2022

Islam Bismillah Samani

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. M.K. Kocharekar instructed by Ms. Prabha Badadare for the Applicant.

Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 7 JANUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 217 of 2021 registered at Ranjangaon MIDC Police Station, for the offence punishable under Sections 302, 364, 365, 201 r/w. 34 of Indian Penal Code.

3. According to the prosecution, the deceased had love affair with the daughter of the present applicant. It is alleged that the applicant who was against their love affair, thus, alongwith other co-accused who are his sons committed the murder of the deceased on 17 May 2021.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that there is no material to connect the present applicant with the alleged crime. It is submitted that considering the facts and circumstances of the case, the applicant may be released on bail.

6. On the other hand, the learned APP submits that the dead body was discovered at the instance of the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The case is based on circumstantial evidence. The co-accused, who is the son of the present applicant and according to the prosecution was present at the time of alleged incident has been granted bail. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Islam Bismillah Samani be released on bail in Crime No. 217 of 2021 registered at Ranjangaon MIDC Police Station, for the offence punishable under Sections 302, 364, 365, 201 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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