



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

BAIL APPLICATION NO.945 OF 2023

SANIP ASHU SAI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sandeep Mishra for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Section 302 of the Indian Penal Code registered vide C.R. No.868 of 2022 dated 19/09/2022 with Mumbra Police Station, Thane City.

3. The applicant was arrested on 20/09/2022. The applicant is alleged to have committed the murder of the deceased Mohammad Ittehad Mohammad Abdul Vahid. The materials against the applicant are a recovery of a blood-stained knife found under the tree and a chappal which the

prosecution contends to belong to the applicant. In brief, it is the prosecution's case that the deceased was in the company of his two friends. He informed his friends that he would be meeting the applicant in the evening. Thereafter, the dead body of the deceased was found with multiple stab injuries. The case against the applicant is based on circumstantial evidence and recovery of a knife.

4. Learned APP opposes the application. According to the learned APP, the motive is that the applicant suspected the deceased to be responsible for the suicide of the applicant's brother. It is the prosecution's case that the deceased and the applicant were together prior to the incident.

5. The incident of the suicide of the applicant's brother took place 4 years prior to the present incident. Apart from the last seen theory i.e. one witness saying that he had seen one boy accompanying the deceased in the hotel, there is nothing on record to show that it is the applicant who had accompanied the deceased. There are no criminal antecedents reported against the applicant. The materials

indicated against the applicant are not such that the applicant be denied the facility of bail. The applicant is in custody almost for a period of 11 months without any possibility of trial concluding any time soon. The investigation is complete and the chargesheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant- Sanip Ashu Sai in connection with C.R. No.868 of 2022 registered with Mumbra Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of the Mumbra police station twice a month every alternate Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not leave Thane District without prior permission of the trial Court.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)