

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

CRIMINAL BAIL APPLICATION NO. 1374 OF 2022

Asif Nasir Shaikh	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Ms.Sana Shaikh a/w Ms. Maya U. a/w Ms. Anuradha Nigam, Pratik Thadani, Kusum Shah Advocate for the Applicant.
Mr. Y. Y. Dabke, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2023

P.C.:

1. By this application, the applicant is seeking bail in Crime No.645 of 2020 registered with Mulund Police Station, Mumbai for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code, 1860.
2. It is prosecution's case that on 2nd October 2022 father of the first informant was murdered by unknown persons. In investigation, police arrested the applicant and co-accused in connection of the present crime. It is alleged that the applicant and co-accused hatched the conspiracy to kill the deceased and applicant had accepted contract to kill the deceased on payment of Rs. 70,000/-. The amount was accepted from accused Nos. 1 and 2.

3. It is the contention of learned Advocate for the applicant that the prosecution case is based on circumstantial evidence. Co-accused have been released on bail by this Court and the trial Court. It is alleged that the knife allegedly used in the crime is recovered at the instance of the applicant and blood stains was found on that knife. The FSL report show it is inconclusive. The applicant is behind bar more than three years. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant had taken contract to kill the deceased from accused Nos.1 and 2. Accordingly, the applicant killed the father of the first informant. The knife used in the crime is recovered at the instance of the applicant. There is prima faice case against the applicant. Hence, requested to reject the application.

5. I have heard both learned Counsels, perused FIR and charge-sheet.

6. The prosecution case is based on circumstantial evidence. The allegations against the applicant is that he had taken contract to kill the father of first informant. The knife used in the crime is recovered at the instance of the applicant. FSL report shows that the blood stains found on the knife are inconclusive. Four other co-accused have been granted bail. The applicant is behind bar more than three years. It may take time to conclude trial.

7. Considering the above facts, his further detention is not required.

Hence, I pass the following order:-

ORDER

- (i) Applicant be enlarged on bail in Crime No.645 of 2020 registered with Mulund Police Station, Mumbai, on executing PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
 - (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3:00 p.m. till framing of charge.
 - (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - (v) The application is allowed in the aforesaid terms and is accordingly disposed off.
8. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]