



PMB

48.ba.1168-23.doc

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

BAIL APPLICATION NO.1168 OF 2023

MOHAMMED MUSTAQUE HAYATULLAH SHAH ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Tapan Thatte a/w Adv. Mohammad S. Mulla for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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
(hereafter 'IPC' for short) registered on 19.06.2022 vide
C.R. No.346 of 2022 with Narpoli Police Station, Thane.

3. It is alleged by the prosecution that the applicant was
suspecting the character of his wife. The applicant on
19.06.2022 allegedly strangled his wife with a wire and
killed her. The applicant went to the police station and

informed the police that the applicant had seen the victim along with one person. The applicant suspected that she was having an illicit relation with him. The applicant could not control his anger seeing this and on the spur of the moment committed the offence.

4. Learned APP opposed the application for bail. Learned APP invited my attention to the materials on record including the statement of the child witness-the son of the applicant who had seen the applicant strangulating the victim.

5. There are no criminal antecedents reported against the applicant. The applicant is in custody since 19.06.2022 for a period of almost one year and six months. I am informed that even the charge has not been framed. The trial is likely to take a long time to conclude. Despite vehement opposition of learned APP, in the facts and circumstances of the present case I am inclined to enlarge the applicant on bail as the applicant does not appear to be a flight risk. The applicant had himself surrendered post commission of the offence. The applicant will face the

consequences of the trial if found guilty. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mohammed Mustaque Hayatullah Shah in connection with C.R. No.346 of 2022 registered with Narpoli Police Station, Thane shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Narpoli Police Station, Thane once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not influence the witnesses.

6. The application is disposed of.

(M. S. KARNIK, J.)