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

BAIL APPLICATION NO.1555/2022

SHAHNAWAZ SHAIKH @ SONU

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Abdeali Kothawala a/w. Mr. Aashay Topiwala, Mr. Tohid
Shaikh for the applicant.

Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

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

2. This is an application for bail. For convenience, the
order dated April 21, 2021 passed by this Court in Bail
Application No.762/2021 in respect of the co-accused no.2-
Vinod Kanhaiya More is reproduced. The same reads thus:-

“The applicant was arrested on 12th October, 2020, in
connection with C.R.No.645 of 2020, registered with
Mulund Police Station, Mumbai, for the offences
punishable under Sections 302 and 120-B of Indian
Penal Code. First Information Report was lodged on 2nd

October, 2020.

2 The case of the prosecution is that on 2nd October, 2020, complainant visited police station and informed that his father Maruti Gavli did not return home. Subsequently, the complainant's father was found lying in pool of blood. He was dead. First Information Report was registered and investigation was proceeded. It is alleged that, the accused had hatched conspiracy to kill deceased. Accused Mohammed @ Arif Khan had accepted contract to kill deceased on payment of Rs.70,000/-. The amount was accepted from accused nos.1 and 2.

3 The case is based on circumstantial evidence. There is no recovery of any weapons from the applicant. Statement of Altaf Ansari was recorded on 22nd October, 2020. He stated that he dropped Asif on his scooter to Mulund. Four persons were waiting for him. Asif told the name of one of the person as Deepak. The other person with him was brother and nephew of Deepak. They had discussion. They were talking about killing some person. They had drinks. Deepak told them that some person had conducted superstitious act. Asif told him not to take tension about it. Deepak sent applicant somewhere to bring money and gave it to Asif. This statement was recorded after arrest of applicant. Statement of Vijendra Pawar was recorded on 24th October, 2020. He

stated that on 2nd October, 2020, Deepak called his brother (applicant) and told him to bring money. Applicant brought money.

4 Learned APP submitted that the statement of the aforesaid two witnesses indicate the circumstances to show the involvement of the applicant. After the incident, the accused were absconding and they had gone to Ajmer.

5 The statement referred hereinabove does not lead to an inference that the applicant has involved in commission of crime. There is no incriminating evidence against the applicant showing his involvement. Investigation is completed and charge-sheet is filed. Bail can be granted to the applicant.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.762 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.645 of 2020, registered with Mulund Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall appear before the investigating officer once in three months on first Saturday of the month between 11:00 a.m. to 01:00, till further

orders;

(iv) Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety;

(v) Bail Application No.762 of 2021, stands disposed of accordingly.”

3. It is, thus, seen that the main assailants are alleged to be accused nos. 3 to 5. The accused nos.1 and 2 are alleged to have paid money to the accused no.3 for killing the deceased. So far as the applicant is concerned, who is the accused no.6, it is alleged that he was the one who introduced the accused nos.1 and 2 to the accused no.3. There is no recovery from the applicant and there is no material, *prima facie*, to incriminate the present applicant. As accused no.2 has been granted bail, there is no reason why the applicant should be deprived of the facility of the bail. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant is in custody for a period of 2 years and 2 months. The trial is not likely to conclude any

time soon. Hence the following order.

:: O R D E R ::

- (i) The application is allowed;
- (ii) Applicant-Shahnawaz Shaikh @ Sonu is directed to be released on bail in connection with C.R.No.645 of 2020, registered with Mulund Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall appear before the investigating officer once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety.

4. The application stands disposed of accordingly.

(M. S. KARNIK, J.)