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

BAIL APPLICATION NO.2379/2021

NABI AHMED @ GULAMNABI
ABDULLAH SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Azmi Khalid for the applicant.

Ms. A. A. Takalkar, APP for State.

API Amol Jadhav, Rabale Police Station, Navi Mumbai.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 9, 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 First Information Report (FIR) No.7/2017 registered with the Rabale Police Station, under Section 302 of the Indian Penal Code, 1860 (hereafter "the IPC", for short).

3. The date of the FIR is dated January 5, 2017. The FIR is lodged by Ishaque Ahmed Roshan Ali Shaikh. The applicant was arrested on January 7, 2017. The applicant is in custody for more than six years. The investigation is complete and

the charge-sheet has been filed. The material against the applicant as reflected from the charge-sheet is the recovery of blood stained clothes. The record reveals that the applicant himself had suffered an injury. The chemical analyser's report about the blood stained clothes has not so far been received.

4. According to the first informant, the applicant was working with an acquaintance known to him. The applicant was not keeping well and therefore, his employer requested the applicant and the deceased to permit the applicant to stay in the Masjid overnight so that on the next day, the employer can make arrangement to send the applicant to his hometown. The first informant, the deceased and the applicant were in the Masjid. In the intervening night of January 4, 2017 and January 5, 2017, at about 1.00 a.m., the applicant started shouting loudly and banging his head on the floor. The informant, therefore, went to the applicant's employer to inform him and called upon the employer to take back the applicant along with him. On way back, the informant noticed that the applicant was running towards the railway station. The informant and others,

therefore, caught hold of him. Later on, they realized that the deceased was killed with a microphone stand in the Masjid.

5. There are no eye witnesses to the incident and the case is based on circumstantial evidence. Even from the materials, it is seen that the applicant was not keeping well on the date of the incident.

6. Learned APP submitted that the charge has been framed four years ago. The applicant is in custody for almost six years and the trial is likely to take long time to conclude. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant, therefore, can be enlarged on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant in connection with FIR No.7/2017 registered with the Rabale Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police station once in a month on every first Monday, between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

7. The application is disposed of.

(M. S. KARNIK, J.)