



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

BAIL APPLICATION NO. 1732 OF 2023

MOBIN @ HARISHBHAI SAYARA
KHAN

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Prashant C. Kamble for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 06, 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 Sections 302, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.I-105/2023 with Waliv Police Station, Palghar.
- 3.** The date of the incident is 27/1/2023. As per the information received from the informant Vishal Singh, one dead body was floating in water. The dead body was of deceased Kamaruddin. The case of the prosecution is that

deceased Kamaruddin's wife (accused no.2) had an affair with the present applicant (accused no.4). It is the case of the prosecution that the deceased was creating hurdles in the relationship of the applicant and accused no.2 Aashiya. The applicant and the accused no.2 Aashiya, therefore, decided to kill Kamaruddin. For this purpose, they requested the accused nos. 1 Bilal and accused no.3 Sofiya to do the needful. It was agreed that the amount of Rs.1 lakh will be deposited by the applicant in the account of the accused nos.1 and 3. Learned APP relied upon the statement of the co-accused no.1 Bilal that the present applicant had given him a cash of Rs.20,000/-.

4. Except for the statement of the co-accused there is no incriminating material against the present applicant. The case is based on circumstantial evidence. The applicant is in custody from 1/2/2023. There are no criminal antecedents on record against the applicant. The investigation is complete. The charge-sheet 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-Mobin @ Harishbhai Sayara Khan in connection with C.R. No.I-105/2023 with Waliv Police Station, Palghar, 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 shall attend the Investigating Officer of Waliv police station, Palghar, once in a month every first Monday of the month 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.
- 5.** The application is disposed of.

(M. S. KARNIK, J.)