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

BAIL APPLICATION NO.3109 OF 2022

Saipawan Shrihari Maccha

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Abdul R. Bukhari for the Applicant.

Mr. Y. Y. Dabke APP for the Respondent-State.

Mr. Arjun Dandegaonkar, PSI, Bhiwandi City police station present.

CORAM : S. M. MODAK, J.

DATED : 29TH MARCH 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. In fact, on the praecipe it is mentioned that the Applicant wants to withdraw the Bail Application, however, when it is said that this Court is ready to hear respective Advocates, learned Advocate argued the matter.

3. The police have filed the charge-sheet against in all six accused

persons. The FIR is registered by mother of deceased-Afroz Shahezade Khan on 15th March 2022, bearing C.R. No.89 of 2022, registered at Bhiwandi police station for the offence punishable under sections 143, 147, 149 and 302 of IPC.

4. One Mehmood Momin has given intimation to Bhiwandi police station that one person is lying in an unconscious state near Nagina Masjid, near one lane and on that basis police have registered the offence. The deceased-Afroz was sent to hospital and was declared as dead.

5. During investigation, it was disclosed that dead body belongs to Afroz Shahezade Khan son of first informant-Shabana Khan. On 15th March 2022, in early hours she received call from one unknown person stating that her son was arrested. The son has not returned home. The caller has not disclosed his name. She apprehended that unknown person has beaten her son and he is responsible for murder of his son. So FIR was lodged against unknown person.

6. During investigation, the present Applicant along with others were arrested. There are statements recorded, who are residents of the place where dead body of the deceased was found. They have stated that have seen few persons beating a person in lane near

Sitaladevi temple.

7. With assistance of both sides, I have gone through the statements and none of them have taken name of the present Applicant. One waist belt is seized at the instance of the Applicant as weapon of offence but none of these witnesses have said that the deceased was beaten with help of belt.

8. The trial Court has also granted bail to co-accused Mahadev Pandit as per order dated 14th March 2023. Its copy is tendered on record and it is marked as Annexure "X". So the case for bail is made out. Hence, the following order is passed :

O R D E R

- (a) The Applicant-Saipawan Shrihari Maccha released on bail on furnishing personal bond and surety bond of Rs.25,000/- in connection with C.R. No.89 of 2022 registered at Bhiwandi police station for the offences punishable under sections 143, 147, 149 and 302 of IPC.
- (b) Bail be furnished before the concerned Court.
- (c) The Applicant shall not threaten the prosecution witnesses or allure them in any manner

8. Application is disposed of accordingly.
9. These are my prima facie observations and the trial Court may not be influenced by that.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]