

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

CRIMINAL BAIL APPLICATION NO. 3750 OF 2022

Arbaj Mustkin Ansari	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Rahul Dhaygude a/w Mr. M. R. Bodke for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.
Mr. A. T. Kadam – PSI, Wadala T. T. Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 395 of 2021 registered with Wadala T. T. Police Station for offences punishable under Section 302 read with 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that police found one person lying in injured condition with heavily bleeding beside Wadala Mono Rail Depot. He was shifted to Sion Hospital. There doctor declared him

dead. There were stab injuries on the body of that person. In investigation, it revealed that, applicant and co-accused assaulted deceased with knife and murdered him. Hence, name of applicant and co-accused were added in connection of the this crime.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. On the statement of witness-Arman, police have arrested the applicant. There is no recovery at the instance of applicant. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. Learned APP submitted that quarrel had taken place between applicant, co-accused and deceased on the fare of Rikshaw. On that ground applicant and co-accused had assaulted deceased with sharp weapon. Due to said assault deceased died. Learned APP further submitted that the eye witnesses had seen the applicant and co-accused were coming towards chawl after the assault. It shows the involvement of the applicant in the crime. There is *prima facie* case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge sheet. Prosecution's case is based on circumstantial evidence. Applicant and co-accused have been arrested on the basis of CCTV footage. In the said footage, three persons had seen running towards chawl. On that basis, police arrested the applicant and co-accused. Police have recovered weapons used in the crime at the instance of co-accused. There is no recovery at the instance of applicant. Applicant is behind bar for more than two years. Investigation is completed and charge sheet has been filed.

6. Considering the above facts, his further detention is not required.

7. In view of above, I pass following order.

ORDER

- (i) Applicant be released on bail in Crime No. 395 of 2021 registered with Wadala T. T. Police Station, District – Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a

month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m.
till framing of charge.

(iii) Applicant shall not tamper with the evidence and/or
influence the prosecution witnesses.

8. The application is allowed in the aforesaid terms and is
accordingly disposed of.

9. All concerned to act on the authenticated copy of this
order.

(SHIVKUMAR DIGE, J.)