

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3448 OF 2022

Mohammad Eklakh Iqbal Edris ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Kapil Rathor alongwith Mr. Harshad Mandke, Mr. Heenesh Rathod, Ms. Bhumika Lodha and Mr. Shreyas Mandke instructed by Mr. Akshay Deshmukh for the Applicant.

Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 MARCH 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 177 of 2021 registered at Pimpri Police Station, Pune for the offences punishable under Sections 302, 201, 364 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. There was a financial dispute between the deceased and co-

accused Harshad Rathod. It is alleged that on account of said dispute, on the date of incident which took place on 09 March 2021, the present applicant and the said co-accused Harshd Rathod had abducted the deceased and committed his murder by strangulating / assaulting him.

5. The case is based on circumstantial evidence. The learned APP, however, submits that there is recovery of incriminating articles at the instance of the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. Admittedly, the alleged financial dispute was between the co-accused Harshad Rathod and the deceased. The applicant is in jail for more than 2 years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Mohammad Eklakh Iqbal Edris be released on bail in Crime No. 177 of 2021 registered at Pimpri Police Station, Pune for the offences punishable under Sections 302, 201, 364 r/w. 34 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)