



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

BAIL APPLICATION NO.3673 OF 2023

KADIR HUSAIN SHAUKAT ALI SHAH	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. N.M. Nadar for the applicant.
Ms. Veera Shinde, APP for the State.
PSI R.D. Nalawade, Waliv Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 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 and 397 of the Indian Penal Code registered on 07/12/2018 vide C.R. No.1121 of 2018 with Waliv Police Station.
- 3.** The date of the alleged incident is 06/12/2018. The applicant was arrested on 10/12/2018. The applicant is the brother in law of the informant and the brother of informant's second wife. The deceased herein was the third

wife of the informant. The applicant is in custody for more than 5 years. Even the charge has not been framed. There are no criminal antecedents reported.

4. It is the case of the prosecution that the applicant with the motive to commit robbery has smothered the deceased. No doubt there is recovery of cash and some gold ornaments at the instance of the applicant. The evidence is in the nature of the last seen and the mobile phone of the deceased was seized at the time of the arrest of the applicant.

5. The case is based on circumstantial evidence. The trial is likely to take long time to conclude. Considering the long incarceration of the applicant, I am inclined to enlarge the applicant on bail by imposing conditions. The applicant does not appear to be a flight risk. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Kadir Husain Shaukat Ali Shah in connection with C.R. No.1121 of 2018 registered with Waliv Police Station 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 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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial

Court to that effect.

(h) The applicant shall not leave India without prior permission of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)