



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.130 OF 2024

Asif Ahamad Abdul Razzaqaue Shah ... Applicants

VERSUS

The State of Maharashtra
and another ... Respondents

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Ms. Rashmi Kulkarni, Advocate h/f Mr. V.P. Raje, Advocate for
Applicant
Mr. A.R. Kale, APP for Respondents - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 337 of 2023, registered with Chalisgaon Road Police Station, District-Dhule for offences punishable under sections 302, 201, 379, 506, 120-B read with section 34 of the Indian Penal Code.

2. Habib Abdul Kadar Shukri, resident of Mumbai lodged FIR alleging that his sister Jameela, was residing at Dhule since 15 years. Her husband was serving as Joint Secretary in Law and Judiciary Department, he expired on 31.03.2011. Jameela had no child and she was the only legal heir of her husband. She was residing alone. Mr. Moin Galib

Ansari, who is related to her from in-laws side and accused nos. 4 and 5 Nazir Mandewalal and Asif Shah used to visit Jameela. Moin Galib was closely associated with Jameela. He knew everything about her. Plot No.9 admeasuring 150 Sq. Mtr. out of Gut no.101/3A+3B and plot no.25B situated at Avdhan, Taluka and District-Dhule were standing in the name of Jameela in the year 2015. Accused nos.1, 2 and 3 induced Jameela to sale plot no.9 to accused nos.1 and 2 for a consideration of Rs.3,16,000/-. Knowing at the time of sale, the said plot was acquired in land acquisition for National Highway No.6 and at that time government value of the said plot was Rs.9,00,000/-. However, the plot was purchased by accused nos.1 and 2 for Rs.3,16,000/- by suppressing the fact of acquisition. When Jameela came to know about the land acquisition, she approached to the District Collector and requested to nullify the sale transaction, which according to her was based on cheating and concealment of fact. Collector cancelled 17 transactions of land dealing. Accused Nos.1 to and 3, therefore, had grudge against Jameela and on 13.01.2018, they had threatened Jameela with life. On 12.10.2018, informant was told about death of Jameela. He along with his relatives reached at the residence of Jameela and noticed injuries on Jameela's right side of head, neck and

nose. Therefore, they took photographs of Jameela's dead body. Her last rights were performed on 13.10.2018, and thereafter, informant approached police complaining about the mysterious death of Jameela, which he suspected to be a murder. As police did not register the FIR, therefore, he approached trial Court, with gave direction under section 156(3) of the Code of Criminal Procedure, accordingly crime in question is registered against applicant and other co-accused.

3. Heard learned advocate for the applicant and the learned APP for respondents-State. Perused the investigation papers.

4. From the investigation papers, there does not appear any material showing the involvement of applicant in the present crime. Alleged offence has taken place in the year 2018. Applicant is named as accused at Sr. No.5 in the FIR. Considering allegations made in the FIR and the material collected during investigation, pre-trial custodial detention of applicant is not necessary as nothing is to be recovered from him.

5. Application is therefore allowed. In the event of arrest of applicant in connection with Crime No. 337 of 2023, registered with Chalisgaon Road Police Station, District-Dhule for offences punishable under sections 302, 201, 379, 506, 120-B read with section 34 of the Indian Penal Code, he be released on bail on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

6. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by Investigating Officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE