

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

CRIMINAL BAIL APPLICATION NO. 3770 OF 2023

Adam *alias*
Adamsab Abdulsab *alias*
A. Rahiman Mulla

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Akash Kavade i/by Mr. Abdul Quadir Auti, Advocate/s, for the Applicant.

Ms. S.S. Kaushik, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 26th April 2024

P. C.

1. Heard Mr. Kavade, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1. C.R. No.	44 of 2022
2. Date of registration of F.I.R.	17 th March 2022
3. Name of Police Station	Salgar Vasti, Solapur City, District-Solapur
4. Section/s invoked	498-A, 328, 324, 504, 506 r/w 34 of <i>I.P.C., 1860</i> ;
5. Date of incident	15 th November 2019 to 15 th August 2021
6. Date of arrest	5 th September 2023
7. Date of filing Charge-sheet	16 th September 2023

3. The Applicant is the husband of the deceased. As per the prosecution case, the deceased was subjected to domestic violence and cruelty by all the Accused and also that the Accused had forcefully administered insecticide to the victim. There are total 4 Accused. The Applicant i.e. Accused No.1 is the husband of the deceased, Accused No.2 is mother-in-law, Accused No.3 is father-in-law and Accused No. 4 is sister-in-law of the deceased.

4. Mr. Kavade, learned Counsel for the Applicant submitted that Accused Nos.2 and 3 have been granted regular bail by the learned Sessions Court and Accused No.4 has been granted interim anticipatory bail by the learned Sessions Court. He submitted that the investigation is completed and the Charge-sheet is filed. He submitted that the role attributed to the Applicant is the same as that of the co-Accused, who have been granted bail. He therefore submitted that parity is applicable.

5. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application. She submitted that the Applicant is the husband and main role has been attributed to the present Applicant and therefore the Bail Application be rejected.

6. Perusal of the record shows that the Applicant was arrested on 5th

September 2023, F.I.R. was registered on 17th March 2022 and the Charge-sheet was filed on 16th September 2023. As per Charge-sheet, there are about 18 witnesses proposed to be examined by the prosecution. Till date there is no progress in the trial and even the Charge is not framed yet. The trial is likely to take a considerably long time.

7. The co-Accused i.e. Accused Nos. 2 and 3 who have been attributed with the same role, have been enlarged on bail. Accused No. 3 has been granted interim anticipatory bail. Their roles are also same as that of the Applicant and therefore parity is applicable.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:

ORDER

(a) The Applicant - Adam *alias* Adamsab Abdulsab *alias* A. Rahiman Mulla be released on bail in connection with C.R. No.44 of 2022 registered with the Salgar Vasti Police Station, Solapur City, District - Solapur on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Salgar Vasti Police Station, Solapur City, District - Solapur every week on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witness in any manner.

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

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its

merits, uninfluenced by the prima facie observations made in this Order.

[MADHAV J. JAMDAR, J.]