

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1005 OF 2024**

Samir Mehboob Ansari	...	Applicant
versus		
The State of Maharashtra		Respondent

Mr. Machindra Bodke along with Ms. Ekta Patil along with Ms. Priti Khaire, Advocate for the Applicant.

Mr. Ashok S. Gawai, APP for Respondent-State.

Mr. Atmaram T. Kadam, PSI, Wadala T.T.Police.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2024.

P.C. :

1. By this application, applicant is seeking bail in Sessions Case No.549 of 2022 arising out of C.R. No. 395 of 2021 registered with Wadala T. T. Police Station for offences punishable under Section 302 read with Section 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 heavy bleeding beside Wadala Mono Rail Depot. He was shifted to Sion Hospital. There the doctor declared him dead. There were stab injuries on the body of that person. In investigation, it revealed that, the applicant and co-accused assaulted deceased with knife and murdered him. Hence, name of applicant and co-accused were added in connection of the said crime.

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3. It is contention of learned counsel for the applicant that applicant is entitled for bail on principle of parity as this Court has released co-accused Arbaj Ansari on bail. The allegations against the applicant and co-accused Arbaj Ansari are same. There is no recovery of weapon at the instance of applicant. It is recovered from co-accused No.1. Hence, requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that the police papers produced on record shows that the applicant was involved in the crime. 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. This Court has released co-accused – Arbaj Ansari on bail. The allegations against the applicant and co-accused – Arbaj Ansari are same. There is no recovery of weapon at the instance of applicant. Hence, the applicant is entitled for bail on principle of parity.

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

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

ORDER

- (i) The applicant - Samir Mehboob Ansari be released on bail in Sessions Case No.549 of 2022 arising out of 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) The 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) The 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.)