IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3350 OF 2024

Sadique Ibrahim Khan ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w Sanket Bhovad, Savvy Kolhekar and Kunal Pednekar, for the applicant.

Ms.Veera Shinde, APP, for the Respondent / State.

VARSHA DEEPAK GAIKWAD
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Date: 2024.10.01 15:02:53 +0530

CORAM : ANIL S. KILOR, J.

DATE : 30th SEPTEMBER, 2024.

PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.33 of 2024, registered with Abhona Police Station, Nashik for the offences punishable under Sections 302, 201 r/w. 34 of the Indian Penal Code.

3. The present offence is registered against the four accused persons. The applicant is the accused no. 2. The accused nos. 3 and 4 are absconding. The accused no. 5 is an unknown person.

4. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that

in the Test Identification Parade, the applicant was not identified.

5. Moreover, he was impleaded as an accused on the statement of co-accused i.e. accused no. 2. Except this, there is nothing on record to show that the applicant is involved in the alleged offence.

6. As far as CDR is concerned, on which the learned APP is relying upon, it has come on record that the deceased and all the accused persons were knowing each other and therefore, they were in contact with each other.

7. Thus, in absence of identification, it is not safe to deny bail to the applicant solely relying upon the CDR.

8. In the circumstances, though the learned APP is strongly opposed the application, I am of the opinion that since the charge-sheet has been filed, further custody of the applicant is not necessary.

9. In the circumstance, I pass the following order:

ORDER

i) Criminal application is allowed;

ii) It is directed that the applicant shall be released on bail in Crime No.33 of 2024, registered with Abhona Police Station, Nashik for the offences punishable under Sections 302, 201 r/w. 34 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

10. The application is disposed of .

(ANIL S. KILOR, J)