

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

CRIMINAL BAIL APPLICATION NO. 3981 OF 2024

Jeba Irfan Inamdar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Adv. Priyal Sarda a/w Mr. Ketan Kavale, Mr. Shubham Sane and Mr. Rajesh Ranglani, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Mahadeo Shelar, API, Narayangaon Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 11th NOVEMBER, 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.126 of 2024, registered with Narayangaon Police Station, Pune for the offences punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant has been implicated in the alleged offence on

the allegations that she had illicit relations with the accused No. 1 and because the deceased became an obstacle in their relations, the applicant eliminated the deceased.

4) As far as the evidence in respect of actual incident is concerned it is against the accused No. 1, who drove his vehicle over the deceased.

5) As far as the applicant is concerned, the learned APP while opposing the present application has placed emphasis on the fact that the applicant was present in the hospital where the deceased was taken for treatment and further the CDR which shows that there were phone calls between the accused No. 1 and the present applicant.

6) The presence of the applicant in the hospital itself cannot prima facie connect the applicant with the offence and further, if it is the case of the prosecution that there was a love relation between the applicant and the accused No. 1 even the CDR will not connect the applicant with the alleged offence.

7) Though the offence is registered under Section 120-B of the Indian Penal Code, 1860 nothing is pointed out about hatching of conspiracy by the applicant along with the accused No. 1.

8) As I have already pointed out that there is no direct evidence against the accused No. 1. Thus, in the absence of any prima facie evidence to show the involvement of the applicant in the alleged offence, I am of the opinion that since the charge-sheet has been filed further custody of the applicant is not required.

9) In the circumstances, the application is allowed.

10) The observations are the prima facie observations and the learned trial Court shall not get influenced by the same.

ORDER

- i The Bail Application is allowed;
- ii It is directed that the Applicant shall be released on bail in Crime No.126 of 2024, registered with Narayangaon Police Station, Pune for the offences punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;
- iv. 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;
- v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]