

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 585 OF 2024

Adil@shalu Ibrar Siddhiqui

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Ravi Dwivedi a/w. Mr. Satish Shukla and Mr. Sainath S. Baji,
Advocates for the Applicant.

Smt. Sangeeta D. Shinde, APP for the State.

Mr. Avesh Qureshi i/b. Mr. Abdul Wahab, Advocate for Intervenor.

PSI – Sandipan D. Tobare, Kherwadi Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 4th FEBRUARY, 2025.

P.C. :

1. By this application applicant is seeking regular bail in C.R.No. 216 of 2021 registered with Kherwadi Nagar Police Station, Mumbai for the offence punishable under Sections 302, 120-B, 201 read with 34 of Indian Penal Code along with Sections 4 and 25 of Indian Arms Act and under Sections 37(1)(A) of Maharashtra Police Act.

2. It is prosecution's case that on 16.05.2021 at about 1:15 am when informant namely Dilip Khatri was coming back from Vakola after dropping his wife, he saw one person lying down on the ground and two people were stabbing him on his head, face and hand by sharp weapons in

their hands. Third person was standing on the road with motorcycle. It is alleged that after seeing that incident he tried to stop them but one of the assailants saw him with anger, hence he ran away from the place from the incident spot and narrated the incident to the police. The police came to the spot and took the injured to the hospital but doctor declared him dead. During investigation in connection of this crime, police arrested the applicant and co-accused. Police recovered CCTV footage of the said incident. The allegations against the applicant are that he brought the deceased to the incident spot and thereafter he left the spot.

3. It is contention of learned counsel for the applicant that applicant is behind bare more than three years. Co-accused have been released on bail, hence applicant is seeking bail on the ground of parity and requested to allow the application.

4. Learned APP submitted that there was conspiracy between the applicant and co-accused and as per conspiracy applicant brought the deceased to the incident spot. Thereafter co-accused assaulted him with sharp weapons and murdered him. The entire incident is captured in CCTV footage. The applicant is the main culprit as he brought the deceased at the incident spot. If applicant is released on bail, he may abscond or he may threaten prosecution witnesses. Learned APP further submitted that applicant has antecedents, 11 cases are registered against

him and out of 11 cases, 6 cases against the applicant have been disposed of and 5 cases are pending, hence requested to reject the application.

5. I have heard both learned counsel. The applicant is seeking bail on principle of parity. The co-accused who was standing with motorcycle near the incident spot and the co-accused who was driving the bike along with the accused No.1 have been released on bail. The role attributed to the applicant is that he brought the deceased at the incident spot thereafter he left. Whether the applicant was in conspiracy or not is the part of trial. The applicant is behind bar more than three years. The co-accused who was standing with motorcycle and co-accused who traveled with deceased and accused No.1 on bike have been released on bail. Considering these facts, applicant is entitled for bail on principle of parity and I pass following order.

O R D E R :

- (i) The applicant be released on bail in Crime No.216 of 2021 registered with Kherwadi Police Station, Mumbai, on executing a P.R bond in the sum of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between

11.00 a.m. to 3.00 p.m. till framing of charge.

- (iii) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) The Applicant shall not contact the victim and prosecution witnesses.
- (vi) The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

6. The application stands disposed of in the aforesaid terms.

(SHIVKUMAR DIGE, J.)