

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

BAIL APPLICATION NO. 3213 OF 2024

Arif Julfikar Mallick

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Aniket Vagal a/w Adv. Savvy Kolhekar, Advocate for the Applicant.

Mrs. G. S. Rao, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.

DATE : 15th APRIL, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.409 of 2023 registered at Ravet Police Station, Pimpri Chinchwad, District : Pune, for the offences punishable under Section 302 of the Indian Penal code (for short 'IPC').
3. The deceased was the wife of the complainant. They were working at the construction site of Pharande Promoters

and Builders. The applicant was also working at the said construction site. It is alleged that the applicant with some ulterior motive was repeatedly asking the deceased to give her mobile number. It is alleged that on the date of incident which took place on 13.12.2023, while the applicant and the deceased were at the construction site the applicant had again asked her to give her mobile number. It is alleged that as the deceased had threatened to lodge the complaint, the applicant got annoyed and strangled her.

4. I have heard the learned counsel for the applicant and learned A.P.P. for the Respondent-State.

5. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that according to the prosecution the alleged incident took place between 10:30 a.m. to 1:00 p.m. It is submitted that according to witness Bhanudas Londhe the applicant was there at construction site till 5:30 p.m. It is submitted that if somebody commits crime of serious nature then the normal conduct is to run away from the place of incident. It is submitted that motive is also of a very weak nature.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that in the CCTV footage collected by the prosecution, the applicant can be seen going towards place of incident. It is submitted that during medical examination scratch marks were found on the person of applicant. It is submitted that there is an extra-judicial confession of the applicant. It is submitted that, thus the applicant may not be released on bail.

7. The case is based on circumstantial evidence. The motive appears to be of a weak nature. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.409 of 2023 registered at Ravet Police Station, Pimpri Chinchwad, District : Pune, for the offences punishable under Section 302 of the Indian Penal code (for short 'IPC') on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police

Station once in a month i.e. on first Saturday between
11:00 a.m. to 1:00 p.m. till conclusion of trial;

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)