

Order below Exh.1 in Cri. Bail Application No.179/2022.

[Mukaram Jahir Ahmed Shah Vs. State]

The present application is moved by the applicant-accused Mukaram Jahir Ahmed Shah under section 439 of the Code of Criminal Procedure (hereinafter referred to as “Cr.P.C.” for short) for bail in connection with CR No.9/2022 registered with Peith Police Station for the offence under section 302,201,120(B) r.w.s.34 of the Indian Penal Code (hereinafter referred to as the “IPC” for short).

2. It is stated in the application that this is first bail application since arrest of accused, who is arrested in connection with the present crime on 1.2.2022 since then he is in MCR. It is further stated that applicant-accused is innocent and has not committed any offence as alleged by the prosecution. FIR does not disclose the name of the applicant-accused. The investigation is practically over. The applicant-accused is local resident and there is no likelihood that he will jump the bail.

3. The brief fact of the prosecution case in the application that, accused No.7 had extra marital relation with accused No.1 and they had hatched a criminal conspiracy to kill the husband of accused No.7 namely Sachin Shamrao Dusane by hiring contract killer for sum of Rs. 1,00,000/- and accordingly the accused No.1 to 4 committed the murder of Dusane and dead body was thrown at Kotanbi village valley as corpus was found to Peith Police Station. Accordingly, police registered the AD No.3/2022 under section 174 of Cr.P.C.. Thereafter, from the missing report of Niphad Police Station, Peith Police Station registered the present crime. It is also

stated that the police have sought custody of accused No.1 to 4, however, magistrate custody of present applicant-accused alongwith other accused No. 5 and 7. These and other grounds set out in the application, applicant-accused prayed for release him on bail.

4. The bail application is strongly opposed by the State. I.O. is present and submitted the case papers pertaining to the investigation so far done by police station. Heard, both the parties.

5. The learned counsel Shri. A.A. Ansari submitted that applicant-accused is local resident and is carrying his business by name Sana Car Cares at Ambad Link Road. It is his work to scrap the motor vehicles which were brought to him. It is further submitted that police did not sought police custody of present applicant-accused since beginning. Therefore, it can be gathered from the police papers that the present applicant-accused is no more required for investigation and further detention is not required. He further submitted that applicant-accused is ready to abide any condition laid down by this court.

6. The learned APP opposed the bail application and submitted that the accused No.7 who has allegedly illicit extra marital relations with accused No.1 and in order to remove the hurdle of deceased from the said relationship, the accused No.7 alongwith accused No.1 entered into the criminal conspiracy. The accused No.2 Sandil Swami was also involved in the said crime with the help of this and other accused mentioned in the Remand Report had committed the murder of Sachin Shamrao Dusane and his dead body was thrown in the valley of Kotanbi, Tal. Peith, Dist. Nashik. He further submitted that after disposing of the dead body the present applicant-accused was approached by one of the accused by

name Sandil Swami. The vehicle which was allegedly used in commission of crime was Duster Car No. MH.43.AW-1308 and at the instance of the accused Sandil Swami present applicant-accused scrapped the vehicle without prior permission of the RTO and sold it to the scraper to Hasnain Mujmil Khan, his statement is on record. Therefore, he opposed the bail application stating that role of the applicant-accused is crystal clear that he cautiously involved in the crime. Accused Sandil Swami disclosed him the said vehicle was used in commission of murder and he wanted to dispose of the same and inspite of that present applicant-accused taken the task to destroy the evidence of the crime and hence, prayed to reject the application.

7. I.O. has submitted that role of the present applicant-accused is visible. He cautiously destroyed the said vehicle, which is considerably new vehicle and therefore, there is reason to believe that the applicant-accused was knowing the fact that this vehicle was involved in commission of the crime and the accused Sandil Swami was intending to destroy the said vehicle/evidence and this applicant-accused has helped the accused Sandil Swami in destroying the evidence and therefore, he also opposed the bail application.

8. Perused the record. It appears that the said crime is registered with Peith Police Station on 26.1.2022, when the dead body of the deceased was found in the Kotanbi valley. From the record it appears that the deceased was brutally assaulted. The accused have tried to dispose of the dead body deceased Sachin Shamrao Dusane in the forest area. They also try to dispose of the vehicle, which was used in commission of the crime. The present

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applicant-accused has played positive role in destroying the said vehicle by scraping it without prior permission of the RTO and therefore, at this juncture the role of the present applicant-accused is visible and case is not made out for granting bail. Hence, following order is passed.

ORDER

- i) Bail application No.179/2022 is hereby rejected.
- ii) Informed to all concerned accordingly.

Date- 14.02.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.