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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1020 OF 2021

SAMEER ASHRAF QURESHI

....APPLICANT

V/s.

**THE STATE OF MAHARASHTRA
AND ANOTHER**

.....RESPONDENTS

Mr. Amit Mane a/w Mr. Balwant V. Salunkhe advocate for the
applicant

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: SEPTEMBER 28, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. I-129/2016 registered with
Naya Nagar Police Station for offence punishable under Section 307 of
the Indian Penal Code.

2] Prosecution story is, applicant assaulted brother of complainant
Arif for the reason of return of mobile of one of his friend namely Abid
Shaikh.

3] After the arrest of the applicant on 04/05/2016, he is also charge-sheeted.

4] Submissions of learned counsel for the applicant are, applicant is behind the bars for last more than 5 years. The Trial has not gained any momentum as same is only at the stage of beginning of recording of evidence as the charge is framed. Further submissions are, there are no criminal antecedents and that being so, by putting present applicant to reasonable conditions, he is entitled to be released on bail.

5] Learned APP while opposing the bail of the applicant would urge that there is strong prima facie case against the applicant as apart from statement of eye witnesses, there is recovery of the weapon. It is further claimed that applicant is very much likely to get convicted in the crime in question.

6] Considered rival submissions.

7] Trial is presently at the stage of beginning of recording of evidence as only charge is framed. Applicant is behind the bars for last more than 5 years. There are no criminal antecedents. It is not likely that the trial in the offence will be concluded in the near future.

8] In the aforesaid background, in my opinion, applicant deserves to be released on bail on following conditions:

(i) Applicant be released on bail in C.R. No. I-129/2016 registered with Naya Nagar Police Station for offence punishable under Section 307 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall not influence the prosecution witnesses in any manner or tamper with the evidence.

(iii) Till conclusion of trial, applicant shall keep

himself away from the jurisdiction of Naya Nagar Police Station.

9] Application stands disposed of.

[NITIN W. SAMBRE, J.]