



Diksha Rane

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

BAIL APPLICATION NO.2752/2023

DILSHAD SHAMSHAD KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Gunjan Surana i/b. Adv. Manoj Kumar Tiwari for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 11, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 307, 324, 326, 143, 147,
148, 149, 504, 506 of the Indian Penal Code (hereafter 'IPC'
for short) read with Section 135 of the Maharashtra Police
Act, 195, registered on 19/1/2023 vide First Information
Report (FIR) No.37/2023 with Faujdar Chawadi Police
Station, Solapur.

3. The applicant is the accused no.3. There are in all five

accused. The date of the incident is 19/1/2023. It is alleged that the accused assaulted the victim as well as his acquaintances over the dispute of Rs.8000/- which according to the accused the victim owed to one of the accused.

4. Learned APP while opposing the application for bail submitted that the accused had come prepared to commit the murder of the victim. My attention is invited to the statement of the first informant which reflects an incident dated 18/1/2023 where threats were given by the accused about the consequence if the money is not returned.

5. The incident took place on 19/1/2023 at 3.30 p.m. The accused no.1 inflicted one stab blow on the chest of the deceased. The accused no.2 is also supposed to be the assailant. So far as the present applicant is concerned, who is accused no.3, the role attributed to him is giving fists and kicks blows to the injured witnesses. Prima facie, it does not seem that the applicant assaulted the deceased. No such role is attributed to him.

6. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk.

Considering the role of the applicant and the fact that the applicant is in custody from 20/1/2023 with no possibility of the trial concluding any time soon, there being no criminal antecedents reported against the applicant, in the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Dilshad Shamshad Khan in connection with FIR No.37/2023 registered with Faujdar Chawadi Police Station, Solapur, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Faujdar Chawadi Police Station, Solapur, once in a month, every first Monday of the month between 11.00 a.m. and 1.00 p.m. till trial concludes.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The

applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Faujdar Chawadi Police Station, Solapur, after being released on bail and till further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)