



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

BAIL APPLICATION NO.334 OF 2023

SARFRAJ @ GOLYA SALIM SHAIKH ..APPLICANT
VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Satyavrat Joshi i/b. Adv. Samay Pawar for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 22, 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, 324 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) is registered vide First Information Report (FIR) No.183/2022 with Vishrantwadi Police Station.
- 3.** The date of the incident is 7/7/2022. There are four accused in all. The first informant Aditya is the brother of the deceased Tushar. It is alleged that there was some quarrel between two groups in respect of which Tushar was

a member of one of the group. The group to which the applicant belonged went after the deceased and other witnesses armed with sattur and knife. The applicant was armed with a bamboo. The deceased was assaulted by the accused with a sattur and one used a knife. The injuries on the person of the deceased and the cause of the death is stated to be because of incised wounds caused by the knife and sattur.

4. Though it is alleged that the applicant was holding a bamboo, there is no injury corresponding to an assault by a bamboo. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed.

5. Another circumstance which is material to be noted is that there was an assault by the group to which the deceased belonged on the present applicant. One of the member belonging to the group of the present applicant has filed cross FIR under Section 307 of the IPC in respect of the injury caused to the present applicant in respect of which charge-sheet has been filed.

6. The applicant was arrested on 7/7/2022 and is in

custody for more than one year. The trial is not likely to commence any time soon. There is nothing to indicate that the applicant is a flight risk.

7. Though the application is opposed by learned APP, I am inclined to enlarge the applicant on bail by imposing conditions. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant in connection with FIR No.183/2022 with Vishrantwadi Police Station, 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 report to the Investigating Officer of the concerned police station twice a month on the first and third Monday of every month between 11.00 a.m. to 1.00 p.m.

(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.

8. The application is disposed of.

(M. S. KARNIK, J.)