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

BAIL APPLICATION NO.1937 OF 2023

ASHRAF SALIM PATHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sana Raees Khan a/w Adv. Aditya Parmar a/w Mr.
Aniket Pardeshi for the Applicant.

Mr. N. B. Patil, APP for the State.

PC Ajit Vaghule, Yerwada Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 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, 34, 201, 120-B of the
Indian Penal Code (hereafter 'IPC' for short), under Sections
3(25), 3(27), 4(25) of the Arms Act and under Sections
37(1) read with 135 of Maharashtra Police Act registered
vide C.R. No.13 of 2019 with Yerwada Police Station, Pune.

3. The date of the incident is 06.01.2019. The FIR was
registered on 07.01.2019. There are in all eight accused.

The applicant is the accused no.5. The applicant was arrested on 12.01.2019. It is alleged that eight accused are responsible for committing the murder of the deceased Anna @ Sandip Subhash Devkar. So far as the applicant is concerned, it is alleged that he was standing on the gate keeping a guard. The applicant was holding a sharp edged weapon called palgan. There is recovery of palgan at the instance of the applicant. The actual assault was by other co-accused. The applicant was on interim covid bail for two years and eleven months and there are no accusations that he has misused his liberty while he was on bail. The applicant was not named in the FIR. Against the applicant, there is one antecedent of the year 2016 registered vide C.R. No.801 of 2016 under Sections 4(25) of the Arms Act and Section 37 read with 135 of Maharashtra Police Act. There is another antecedent of the year 2018 registered vide C.R. No.118 of 2018 under Sections 395, 506(2), 504, 506, 427, 34 of the IPC, under Section 4(25) of the Arms Act and under Section 37 read with 135 of Maharashtra Police Act. The antecedents are not such that the applicant

should be deprived the facility of bail considering his role, the fact that he is in custody as an undertrial for more than 4 ½ years with trial likely to take a long time to conclude.

4. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case, though learned APP opposed the application for bail, the applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Ashraf Salim Pathan in connection with C.R. No.13 of 2019 registered with Yerwada Police Station, Pune 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 Yerwada Police Station, Pune once in a month every first Monday of the month between 11.00 a.m. and 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.

(f) The applicant shall not reside in Corporation limits of Pune City till further orders of the trial Court and shall not enter the same except for the purpose of attending the trial Court and the Investigating Officer.

5. The application is disposed of.

(M. S. KARNIK, J.)