



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

BAIL APPLICATION NO. 1974 OF 2023

SHOBHIT @ AJJU @ AJAY BABU

SURYAVANSHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Keshar Chavan for the Applicant.

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

API Chavan Jayesh, Rabale MIDC Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 17, 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, 201 read with 34 of the Indian Penal Code and Sections 4, 25(1B)(b) of the Indian Arms Act, registered on 04/11/2015 vide C.R. No.236 of 2015 with Rabale MIDC Police Station, Navi Mumbai.
- 3.** The missing complaint was lodged on 25/07/2015 by the informant in respect of Shabbir who is the deceased.

The accusations against the accused, who are 5 in number, are that they have killed Shabbir. The reason is that Shabbir was opposing a love affair that co-accused Deepak had with his sister. So far as the applicant is concerned, the role attributed to him is on the basis of the statement of the co-accused. There is recovery of a chopper at the instance of the applicant which is not blood stained, recovered after 5 months of the incident from the bushes.

4. The investigation is complete and the charge-sheet has been filed. The case rests on circumstantial evidence. The applicant has been in custody since 20/11/2015 i.e. almost of the period of 8 years. There is one antecedent against the applicant which is in respect of an offence punishable under Section 302 of the IPC which was detected while the applicant was in custody in the present case. Though the trial has commenced, the prosecution intends to examine 58 witnesses. The examination of P.W.1 is in progress and in such circumstances, the trial is likely to take a long time to conclude. Considering the case is based on circumstantial evidence and in view of the long period of

incarceration undergone by the applicant as an undertrial prisoner, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shobhit @ Ajju @ Ajay Babu Suryavanshi in connection with C.R. No. 236 of 2015 registered with Rabale MIDC 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 attend the Investigating Officer of Rabale MIDC police station 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 leave Thane District after being released on bail, during the pendency of trial, without prior permission 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.

5. The application is disposed of.

(M. S. KARNIK, J.)