



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

BAIL APPLICATION NO. 3021 OF 2023

SHAUKAT NASIR MULANI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Nitin Gaware Patil a/w Mr.Anandmaya Dhorde and mr.
Shantanu Kolhe, for the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 07, 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, 436, 504 read with 34 of the Indian Penal Code, 1860 ("IPC", for short) registered on 06/02/2015 vide C.R. No.42 of 2015 with Baramati Taluka police station.
- 3.** The offence is under section 302 of IPC. No doubt, the accusations are serious. However, learned APP while opposing the application for bail, submitted that 3 witnesses have already been examined and therefore, the trial can be

expedited looking at the seriousness of the accusations. The applicant was arrested on 06/02/2015 and now in custody for than 8 years and 10 months. Though the trial has commenced, the prosecution proposes to examine 40-45 witnesses. Learned APP submits that it is not as if that all the witnesses will be examined, but in any case, more than 20 witnesses will have to be examined. There is nothing on record to indicate that the trial has been protracted at the instance of the applicant. There are no criminal antecedents reported against the applicant. The applicant does not appear to be at flight risk. Learned counsel for the applicant submitted that the applicant is willing to stay out of Baramati Taluka till the conclusion of trial. In my opinion, the applicant can be enlarged on bail on the ground of long incarceration. Though learned APP submitted that the trial be expedited, I refrain from adopting this course as the trial Courts are already over burdened. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.

(b) The applicant- Shaukat Nasir Mulani in connection with C.R. No.42 of 2015 registered with Baramati Taluka police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(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, the applicant shall not enter the Baramati Taluka after being released on bail, till the trial concludes.

(g) The applicant shall not leave the State of Maharashtra without permission of the trial Court.

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

(i) The applicant not to contact, influence or threaten the the witnesses.

(j) The applicant is put to a strict notice that any default in attending the trial Court on the part of the applicant may result in cancellation of bail.

4. The application is disposed of.

(M. S. KARNIK, J.)