

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3318 OF 2022**

Shabanam Hanif Shaikh @ Tanvi Rahul Waghela ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket Vagal a/w Mr. Kunal Pednekar a/w Mr. Divesh Mohani for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 29 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 105 of 2021 registered at Vimantal Police Station, Pune City for the offences punishable under Sections 302, 506(2) r/w 34 of the Indian Penal Code, Section 4 r/w 25 of Arms Act and Section 37(1)(3) of the Maharashtra Police Act, 1951.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, the deceased had illicit relations with the present applicant. It is alleged that on the date of incident, which took

place on 3 April 2021, quarrel took place between the deceased and present applicant and during the said quarrel the present applicant and other co-accused assaulted the deceased by koyta, stick etc., and committed his murder.

5. Though, the present applicant and other co-accused were not known to the eye-witnesses, however, no test identification parade is conducted.

6. The learned APP submits that because of the Covid-19 pandemic TI parade could not be conducted. It appears that letter for conducting TI parade was given on 14 June 2021, however, till date TI parade is not conducted.

7. Prima facie, there appears to be no material in relation to the alleged motive attributed to the present applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 105 of 2021 registered at Vimantal Police Station, Pune City for the offences punishable under Sections 302, 506(2) r/w 34 of the Indian Penal Code, Section 4 r/w 25 of Arms Act and Section 37(1)(3) of the Maharashtra Police Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)