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

BAIL APPLICATION NO.3204 OF 2023

SHUBHAM ANIL BHISE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Kuldeep U. Nikam a/w Adv. Om N. Latpate a/w Adv.
Rohit Karanjawane for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 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, 326, 324, 142, 143, 144, 147, 148, 149 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 25 of Arms Act and under Sections 37(1) read with 135 of the Maharashtra Police Act registered on 12.10.2019 vide C.R. No.863 of 2019 with Chaturshringi Police Station, Pune.
- 3.** It is the case of the informant – Shafiq Lala Shaikh in his statement dated 12.10.2019 that on 31.03.2019 his

brother was assaulted by the sons of one Yusuf Shaikh. It is then the accusation that the children of Yusuf Shaikh and the present applicant assaulted the complainant with a sword when he had come on his scooter. It is stated that at the time when the complainant's brother Shafiq came in an auto rickshaw he was assaulted by the accused including the present applicant with a sword, sickle and iron rod.

4. On record is a statement of auto rickshaw driver who stated that the complainant's brother came in auto rickshaw and started abusing the accused persons. The provocation appears to be at the instance of the complainant's brother as per the version of the witness at page 101 of the paper book. Even the applicant was injured. The applicant was arrested on 15.10.2019 and is now in custody for more than four years. The charge has been framed. The trial is likely to take a long time to conclude.

5. Learned APP while opposing the application for bail submitted that apart from the fact that the deceased suffered multiple injuries which was the cause of his death, the applicant has previous criminal antecedent for the

offence punishable under Section 302 of the IPC and while on bail he committed the present offence. In my opinion, in the facts and circumstances of the present case, the applicant can be enlarged on bail and the antecedent by itself is not sufficient to deprive him the facility of bail considering that the applicant is now incarcerated for more than four years. There are cross cases registered and even the present applicant has been injured in the assault that was allegedly made by the complainant's side. The applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Shubham Anil Bhise in connection with C.R. No.863 of 2019 registered with Chaturshringi 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 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 attend the Investigating Officer of Chaturshringi Police Station, Pune once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Pune Municipal Corporation limits after being released on bail, till the trial concludes.

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

6. The application is disposed of.

(M. S. KARNIK, J.)