

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

CRIMINAL BAIL APPLICATION NO.47 OF 2023

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Sameer Ahmed @ Chittu Khalil Ahmed Shaikh ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr. Kuldeep Patil i/by Saili N. Dhuru, for the Applicant.

Smt. P. P. Shinde, APP for the Respondent/State.

Mr. S. D. Patil, PSI, Shivaji Nagar, Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 24th MARCH, 2023

PC.

1. The applicant/accused in Crime No.54 of 2016 is seeking regular bail. The offence is made punishable under Section 143, 144, 147, 148, 149, 387, 120B, 302 of the IPC, under Section 4 r/w 25 of the Arms Act and Section 3 & (1)(A) r/w 135 of the Bombay Police Act.

2. In the aforesaid offence, the applicant was arrested on 12th March, 2021.

3. The allegation against the applicant is, along with co-accused who were led by the accused No.2, the applicant committed an offence in question thereby extending support. The role attributed to the applicant is that of offence under Section 149,

120B of the IPC.

4. The other accused persons were already tried in Sessions Case No.363 of 2016, 11 of 2017, 656 of 2017 and were acquitted on 23rd January, 2020.

5. Accused No.6/Imran Istiyaq Ahmed Shaikh @ Imo Topi was already acquitted in the aforesaid offence, however, the applicant appears to be absconding and as such his trial was separated.

6. Charge-sheet against all the accused persons is filed showing the present applicant as absconding. Similarly placed accused persons are already acquitted by the Sessions Court. The applicant has suffered incarceration for a period of two years. In spite of the applicant being charge-sheeted and arrested, the charge is not framed against the applicant till this date. That being so, the case for bail is made out.

7. I am informed that there are no criminal antecedents against the applicant.

8. The applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

9. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.
10. Applicant shall attend the trial regularly and co-operate the Sessions Court in expeditious disposal of the trial.
11. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]