



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

BAIL APPLICATION NO. 3885 OF 2023

SAGAR SAFRYA SHINDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Hrishikesh R. Chavan for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 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, 333, 398, 353, 325, 323, 503 read with 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act registered on 14/02/2018 vide C.R. No.132 of 2018 with Mohol Police Station, Solapur.
- 3.** The first informant received secret information on 13/02/2018 that the present applicant is one of the accused

in C.R. No. 52 of 2018 registered at Mangalweda Police Station. The police personnel spotted the accused and followed them on the vehicle. There was a scuffle between the police personnel and the accused. One person Abu Talibh Pashabhai Kureshi was murdered by knife blows on his neck.

4. Learned APP opposed the application contending that the accusations are serious in nature and the applicant shared common intention with other accused. It is further submitted that there is a criminal antecedent against the applicant.

5. The applicant was not the actual assailant. So far as the present applicant is concerned, the allegation is that he bit the police personnel on his wrist. Whether the applicant shared common intention with the other accused or not is a matter to be considered at the time of trial. It is informed that even the charge has not yet been framed. The possibility of the trial concluding any time soon appears remote. In the facts and circumstances of the present case, the criminal antecedent can not be a ground by itself to

deprive the applicant the facility of bail. Considering that the applicant is in custody for more than 5 years and 10 months as an undertrial, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sagar Safrya Shinde in connection with C.R. No.132 of 2018 registered with Mohol 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 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 Mohol police station once in a month, on first Monday of every 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) 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.)