



PMB

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

BAIL APPLICATION NO.3996 OF 2023

SHAHARUKH FARID KHAN @ PAPA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Anil Y. Bansode for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 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, 323, 504, 506(2), 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 25, 27 of Indian Arms Act and under Sections 37(1)(A), 135 of Maharashtra Police Act registered on 22.07.2019 vide C.R. No.371 of 2019 with Shivaji Nagar Police Station.

3. The date of the incident is 22.07.2019. The applicant is the accused No.3. The applicant was arrested on 26.07.2019.

4. Learned APP opposed the application for bail.

5. The applicant was arrested on 26.07.2019 and is now in custody for more than four years and four months. I am informed that even the charge has not been framed . So far as the incident is concerned, the main assailants are the co-accused who were armed with a sword and iron rod. The role assigned to the applicant is fist and kick blows. Considering the role of the applicant and on the ground of long incarceration with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Shaharukh Farid Khan @ Papa in connection with C.R. No.371 of 2019 registered with Shivaji Nagar 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 8 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Shivaji Nagar Police Station 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 Govandi Police Station 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.)