



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

BAIL APPLICATION NO.4023 OF 2023

MAHESH SHIVAJI SHEJERAO ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Prashant C. Kamble for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 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, 120-B, 201 read with 34 of the Indian Penal Code registered on 05/02/2023 vide C.R. No.55 of 2023 with M.I.D.C. Police Station, Solapur City.
- 3.** The date and time of the alleged incident is 04/02/2023 at around 10.30 p.m. According to the eyewitnesses' statement which is at page Nos. 127 and 128 of the paperbook and recorded on 08/02/2023, two persons carrying an iron rod and a sword assaulted the victim

brutally. There are in all 7 accused. The applicant is accused No.1.

4. Learned APP while opposing the application invited my attention to the statement of the brother of the deceased recorded under Section 164 of the Cr.P.C. on 01/03/2023. It is stated by him that from those persons present at the spot of the incident, he came to know that the present applicant along with Harshwardhan Shejerao, Shrikant Koli and other 4 to 5 unknown persons assaulted the deceased. The brother of the deceased was further informed that it is the present applicant, Harshwardhan Shejerao and Shrikant Koli who brutally assaulted the deceased. It is further submitted that there is an audio recording at page No. 110 of the paperbook. From the audio recording, it appears that the deceased was saying that he was being assaulted by goons of Shejerao.

5. There are eyewitnesses who do not name the applicant. There is no test identification parade conducted. Nothing has been recovered at the instance of the present applicant. The version of the applicant's brother is hearsay.

In the order of the trial Court, nothing has been reflected regarding the criminal antecedents against the applicant. The investigation is complete and the charge-sheet is filed. The applicant was arrested on 05/02/2023 and is now in custody for more than 9 months as an undertrial. The applicant will face the consequences post-trial if found guilty. In such circumstances, I am inclined to enlarge the applicant on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Mahesh Shivaji Shejerao in connection with C.R. No. 55 of 2023 registered with M.I.D.C. 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 shall attend the Investigating Officer of M.I.D.C. police station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.

(e) 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.

(f) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter into the jurisdiction of M.I.D.C. police station and municipal limits of Solapur City after being released on bail, till further orders of the trial Court.

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

(h) If it is found that the applicant has breached any of the conditions, the same shall be viewed seriously and shall be the ground for cancellation of this bail.

(i) If a request is made for witness protection, the same shall be considered on its own merits and in accordance with law.

6. The application is disposed of.

(M. S. KARNIK, J.)