



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1407 OF 2023

Sohel Harun Tamboli ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kalpesh Patil i/b. Mr. Shrikant Ghodake, for the Applicant.

Mr. P. H. Gaikwad, APP, for the Respondent-State.

Mr. Shitole, IO-API, Karad City Police Station present.

CORAM : MADHAV J. JAMDAR, J.
DATED : 5th JANUARY 2024

P.C. :

1. Heard Mr. Kalpesh Patil, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent/State.
2. This is regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant who is Accused No.3.
3. The relevant details are as follows:-

1	C.R. No.	974 of 2022
2	Date of Registration of F.I.R.	26/10/2022
3	Police Station	Karad City, Dist. Satara

4	Sections Applied	364, 143, 147, 148, 149, 324, 326, 504 and 506 of IPC, 1860
5	Date of Incident	25/10/2022
6	Date of Arrest	29/10/2022
7	Date of filing of Chargesheet	27/12/2022
8	Stage of Trial	Not commenced.

4. As per the prosecution case, accused assaulted injured Shivam Ravindra Kshirsagar. There are total six accused and out of them, four accused have been enlarged on bail. The Chargesheet has been filed on 27th December 2022. There are total thirteen witnesses. The trial is yet to commence.

5. Mr. Gaikwad, learned APP opposed the Application. He states that there are two cases and three NCs registered against the present Applicant. However, as far as one case is concerned, the same is of the year 2018 and the Applicant has been released on bail. The second case is under the Arms Act and in that case also, the Applicant has been released on bail. As the trial will take time and as four accused having same role as that of Applicant are already enlarged on bail, therefore, the Applicant is entitled for bail.

6. Mr. Kalpesh Patil, learned Counsel appearing for the Applicant

states that as the witnesses are from Tal. Karad, Dist. Satara the Applicant will reside outside the jurisdiction of Tal. Karad, Dist. Satara and the Applicant will reside at C/o. Anil Uddhav Khande, R/at. Village Gurasale, Tal. Malshiras, Dist. Solapur.

7. The trial is unlikely to be concluded any time soon and will likely to take a considerably long time. The Applicant does not appear to be a flight risk. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant-Sohel Harun Tamboli be released on bail in connection with C.R. No.974 of 2022 registered with the Karad Police Station, Dist. Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) The Applicant shall not enter the area of Tal. Karad, Dist. Satara on being released on bail except for reporting to the Investigating Officer, if called.

(c) On being released on bail, the Applicant shall furnish his contact number and residential address to the Investigating Officer while residing outside Tal. Karad, Dist. Satara and shall keep the same updated, in case there is any change.

(d) The Applicant shall report to the Natepute Police Station, Dist. Solapur once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the trial concludes. The Police Inspector of Natepute Police Station, Dist. Solapur to communicate details thereof to the Investigating Officer.

(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/her from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

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

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

(h) The Application is disposed of.

[MADHAV J. JAMDAR, J.]