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

BAIL APPLICATION NO.2070 OF 2023

SHUBHAM RAMESH SOLANKI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Subodh Desai i/b. Adv. Aditya Sawant for the
applicant.

Mr. S. V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2024.

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 307, 201, 120-B read with 34 of
the Indian Penal Code (hereafter 'IPC' for short) registered
on 01.12.2022 vide FIR No.447 of 2022 with Ratnarigi City
Police Station, Ratnagiri.

3. The applicant is the accused No.2. Accused No.1-
Mahesh Shelke and accused No.3-Akshay Mane are
enlarged on bail. The date of the incident is 30.11.2022.

The applicant was arrested on 02.12.2022. So far as the incident is concerned, the informant had handed over money to accused No.1-Mahesh. The informant requested for return of the money. Accused No.1-Mahesh was not ready to return the money and instead assaulted the informant. The applicant herein i.e. accused No.2 was present at the time of incident. It is alleged that the applicant assaulted the injured witness with koyta and a tile.

4. The application is opposed by learned APP. It is submitted that the applicant tried to destroy the evidence. It is further submitted that the injuries are serious.

5. I have gone through the medical certificate regarding the injuries sustained by the informant. The informant suffered four CLW-moderate by hard and sharp object. One injury is referred to as CLW-simple. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. The applicant is in custody for more than a year and 2 months. Trial may

not conclude soon. In the facts and circumstances of the present case prolonging the custody would amount to a pre-trial punishment. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Shubham Ramesh Solanki in connection with FIR No.447 of 2022 registered with Ratnagiri City Police Station, Ratnagiri, 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 Ratnagiri City Police Station, Ratnagiri, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (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 not enter the vicinity of the area where the injured witness is residing.

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

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) The applicant shall not establish contact or try to threaten the informant. In case, it is reported that the applicant is in any manner trying to contact the informant or threaten him, the prosecution is at liberty to apply for cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)