



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.511 OF 2024

Junaid Nasir Shaikh
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Aditya R. Parmar a/w. Mr. Abhijeet Singh, Advocates for the Applicant.
Mr. Shriram S. Chaudhari, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd FEBRUARY 2024

PC:-

1. Heard Mr. Parmar, learned Counsel appearing for the Applicant and Mr. Chaudhari, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	592 of 2020
2.	Date of registration of F.I.R.	07/08/2020
3.	Name of Police Station	Loni Kalbhor Police Station, Pune
4.	Section/s invoked	307, 427, 143, 147, 148, 149, 504, 506,

		188 of the I.P.C., 1860; 4 and 25 of the Arms Act, 1959; 37(1), (3) r/w. 135 of the Maharashtra Police Act, 1951; 2, 3 and 4 of the Epidemic Diseases Act, 1897.
5.	Date of incident	06/08/2020
6.	Date of arrest	15/10/2020

3. Mr. Parmar, learned Counsel appearing for the Applicant submitted that role attributed to the present Applicant is that he has assaulted the injured with fist and kick blows. He submitted that the Applicant was arrested on 15th October 2020 and there is no further progress in the trial. He submitted that even the charge is also not framed yet. He further submitted that there are total 7 Accused out of which 1 is absconding and 6 were arrested out of which 4 have been enlarged on bail. He submitted that the main accused who is Accused No.1-Pratik Barakade who has assaulted the injured with a '*koyta*' has been enlarged on bail.

4. On the other hand, Mr. Chaudhari, learned APP appearing for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant was absconding and he committed another offence of murder on 26th September 2020. He submitted that the Applicant has mercilessly assaulted the injured and therefore, bail be not granted.

5. Mr. Parmar, learned Counsel appearing for the Applicant submitted that as far as said other case is concerned, which is *inter alia* regarding under Section 302 of the *I.P.C., 1860*, a learned Single Judge (Coram: M. S. Karnik, J.) by Order dated 10th October 2023 has allowed the Bail Application No.2955 of 2023 to be withdrawn with liberty to file a fresh Bail Application after some time, if trial does not progress substantially. He submitted that merits of the said case and merits of the present case are totally different.

6. Perusal of the record shows that incident in question has occurred on 6th August 2020, F.I.R. was lodged on 7th August 2020 and the Applicant was arrested on 15th October 2020. Mr. Parmar, learned Counsel appearing for the Applicant has produced the

Roznama which shows that even the charge is also not framed yet. As four Accused are already enlarged on bail and as the Accused No.1-Pratik Barakade who has assaulted the deceased with a 'koyta' has been released on bail and the role attributed to the Applicant is that he has assaulted the injured with fist and kick blows, the Applicant is entitled for bail.

7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant- Junaid Nasir Shaikh be released on bail in connection with C. R. No.592 of 2020 registered with the Loni Kalbhor Police Station, Taluka-Haveli, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount, if not required in other cases.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Loni Kalbhor Police Station, Taluka-Haveli, District-Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The

Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

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

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]