

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

BAIL APPLICATION NO. 1600 OF 2024

Mohasin Irshad Sanadi

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Tapan Thatte i/b. Mr. Vivek Arote, for the Applicant.
Mr. P. D. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 22.04.2024

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1. Heard Mr. Thatte, learned Counsel for the Applicant and Mr. Deokar, learned APP 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.	41 of 2021
2.	Date of registration of F.I.R.	24.01.2021
3.	Name of Police Station	Shivajinagar, Kolhapur
4.	Sections invoked	302, 143, 147, 148, 149, 323, 504, 506 of the I.P.C., 1860; 4 & 5 of the Arms Act, 1959
5.	Date of incident	23.01.2021
6.	Date of arrest	28.01.2021
7.	Date of filing of Charge-sheet	20.04.2021

3. As per the prosecution case, election to the Grampanchayat-Kabnur, Taluka-Hatkangale, District-Kolhapur was contested by one Satyam Kamble and one Kumar Kamble. Said Satyam Kamble was

actively supported by the deceased-Sandeep Magade. Therefore, there was enmity between Kumar Kamble and the deceased. On 23.01.2021, some altercation took place between Suraj Kamble and one Shahrukh. Thereafter, these two groups assaulted each other. In that assault, the only role attributed to the present Applicant is that he assaulted the deceased with a stone.

4. Mr. Thatte, learned Counsel for the Applicant pointed out the injuries mentioned in the Post-Mortem Examination Report and submitted that all the injuries are possibly inflicted with a sharp-edged weapon. Therefore, he submitted that the role attributed to the present Applicant will not attract offence punishable under Section 302 of the *Indian Penal Code, 1860*. He further submitted that there are no other antecedents. He submitted that the Applicant is incarcerated since 28.01.2021. Till date, there is no further progress in the trial except for framing of charge. He submitted that Accused Nos.3, 4, 10 and 12 have been released on bail.

5. On the other hand, Mr. Deokar, learned APP vehemently opposed the Bail Application. He submitted that in all 15 accused persons mercilessly assaulted the deceased. Therefore, the Bail Application may be rejected.

6. A perusal of the record shows that the incident in question has taken place on 23.01.2021. The Applicant was arrested on 28.01.2021. The Charge-sheet was filed on 20.04.2021. As per the Charge-sheet, there are about 32 witnesses proposed to be examined

by the prosecution. Till date, except framing of charge, there is no further progress in the trial. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The only role attributed to the present Applicant is that he has assaulted the deceased with a stone. A perusal of the Post-Mortem Examination Report shows that the injuries are possibly inflicted with a sharp-edged weapon.

8. There are no antecedents.

9. Mr. Thatte, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Taluka – Hatkanangale, District- Kolhapur and that the Applicant will reside at 3rd floor, Mauli Apartment, 11th lane, Rajarampuri, Kolhapur and will attend the Rajarampuri Police Station, Kolhapur.

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

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant-Mohasin Irshad Sanadi be released on bail in connection with C.R. No. 41 of 2021 registered with the Shivaji Nagar Police Station, District-Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall not enter Taluka – Hatkanangale, District-Kolhapur after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Rajarampuri Police Station, Kolhapur once a week, on Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of the Rajarampuri Police Station, Kolhapur 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

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

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the prima facie observations made in this order.

[MADHAV J. JAMDAR, J.]