

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

**CRIMINAL BAIL APPLICATION NO. 1589 OF 2023**

Sohel Iliyas Shaikh

..Applicant

Vs.

The State of Maharashtra

..Respondent

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Mr. Abhishek Nagode, for the Applicant (Appointed).

Mr. Ashok Gawai, APP for the Respondent / State.

API Asha Kadam, Trombay Police Station present.

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**CORAM : R. N. LADDHA, J.**

**DATE : 26 APRIL 2024**

**P.C.**

. Heard Mr. Nagode, learned counsel for the applicant / accused and Mr. Gawai, learned APP for the respondent – State.

2. By this application, the applicant is seeking bail in connection with C.R. No.309/2022 registered at Trombay Police Station, Mumbai against the applicant. The charges against the applicants and three others include offences punishable under Sections 307, 323, 504 and 506(II) read with 34 of the Indian Penal Code, 1860 and Sections 4, 25 and 27 of the Arms Act, 1959 and under Section 37(1)a, 135 of the Bombay Police Act, 1951.

3. Mr. Nagode, learned counsel appearing on behalf of the applicant, submitted that the applicant is languishing in jail since 10 June 2022, while all other accused individuals have been released on bail. There are no criminal antecedents against the applicant. The trial has not commenced and the charges have not been framed. The alleged weapon has already been recovered.

4. On the other hand, Mr. Gawai, learned APP for the State contends that the offence is serious and that the applicant was actively involved in the crime that led to filing of the charge sheet. He submits that the applicant had previously sought regular bail from the trial Court on two occasions, but Court had denied the bail. The applicant is accused of causing severe injuries to the informant. The gravity of the offence is evident from the medical reports. The witnesses are residing in the same area in which the applicant resides. In so far as the present applicant is concerned, prima facie, there is material on record to indicate the presence of the applicant at the time of incident and the role in the crime. The FIR specifically alleges that the applicant attacked the informant's son with a sword. The sword allegedly used in the crime was recovered at the behest of the applicant.

5. Considering the severity of the offence and the weapon involved in the crime, bail cannot be granted to the applicant.

Accordingly, the application is rejected. However, taking into account the applicant's age and the lack of progress in the trial, thus far, the trial Court is directed to expedite the proceedings. It is made clear that the observations made herein are prima facie and the learned trial Court shall decide the case on its own merits and in accordance with the law, uninfluenced by the observations made in this order.

**R. N. LADDHA, J.**