

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1823 OF 2024

Sadik Ibrahim Bangali	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Zaid Anwar Qureshi (through Video Conference), Advocate, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

Mr. J. J. Patankar, Head-Constable, Lonavala City Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 3rd MAY 2024

PC:-

1. Heard Mr. Qureshi, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant who is Accused No.5. The relevant details are as follows:-

1.	C. R. No.	487 of 2020
2.	Date of registration of F.I.R.	26/10/2020
3.	Name of Police Station	Lonavala City, District-Pune

4.	Section/s invoked	302, 120-B r/w. 34 of the Indian Penal Code, 1860; 3(35), 4(25) and 27 of the Arms Act, 1959
5.	Date of incident	25/11/2020
6.	Date of arrest	29/11/2020
7.	Date of filing of Charge-sheet	21/01/2021

3. As per the prosecution case, there are total 9 Accused persons. All the Accused entered into a conspiracy and committed murder of Rahul Umesh Shetty due to previous dispute. The role attributed to the present Applicant is that he procured a weapon i.e. pistol and that he has given training to the Accused Nos. 1 and 4.

4. Mr. Qureshi, learned Counsel for the Applicant submitted that there are total 9 Accused persons, out of which, 6 Accused have been released on bail. The Accused No.1 is the main conspirator who has been granted bail by the Supreme Court. He submitted that investigation is complete and Charge-sheet has been filed. The Applicant is incarcerated since 3 years and 6 months and therefore, the Applicant be granted bail.

5. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Application. He submitted that the Applicant has played major role in the offence in question. He procured a weapon i.e. pistol and given training to the Accused Nos. 1 and 4. He submitted that there are about 11 antecedents against the Applicant.

6. However, Mr. Qureshi, learned Counsel for the Applicant submitted that out of 11 antecedents, the Applicant has been acquitted with respect to 9 cases. The cases which are pending are C.R. No.1090 of 2020 registered under Sections 363 r/w. 34 of the Indian Penal Code, 1860 and C.R. No.482 of 2020 registered under Section 3(25), 4(25) of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

7. Perusal of the record shows that investigation is complete. Charge-sheet is filed. There are about 40 witnesses to be examined by the prosecution. The trial has not yet commenced. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. There are total nine Accused. Six co-Accused have been released on bail. Accused No.1 has been released on bail by the Supreme Court by Order dated 21st August 2023. Accused No.4 has been granted bail by the Supreme Court by Order dated 10th May 2023. A learned Single Judge has granted bail to Accused Nos. 2 and 8 by Order dated 11th August 2023. Accused No.9 has been granted bail by Order dated 2nd March 2021 passed by the learned Additional Sessions Judge, Pune. Accused No.3 has been granted bail by this Court by Order dated 8th January 2024.

9. The role of the Applicant is procurement of the weapon and that the he has given tranining to Accused Nos.1 and 4. Accused No.1 is the main conspirator who has been granted bail by the Supreme Court. There is no recovery at the instance of the Applicant.

10. Mr. Qureshi, learned Counsel appearing for the Applicant states that as several witnesses are from Lonavala therefore, the Applicant will not enter the jurisdiction of Additional Sessions Judge, Vadgaon, Maval and that the Applicant will reside at C/o.

Farzana Sameer Khan, Kondhwa Khurd, Bhagyoday Nagar, Lane No.9, Idal Tower, Flat No.601, 6th Floor, Near Bhat Hospital, Pune.

11. The Applicant does not appear to be at risk of flight.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
13. In view thereof, the following order:-

ORDER

- (a) The Applicant – Sadik Ibrahim Bangali be released on bail in connection with C.R. No.487 of 2020 registered with the Lonavala City Police Station, District - Pune 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 the Lonavala City, District-Pune 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 Kondhwa Police Station, District - Pune once every week, on every Sunday between 11:00 a.m. and 1:00 p.m. till the conclusion of the trial. The Police Inspector of Kondhwa Police Station, District – Pune 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.

14. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]

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