



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

BAIL APPLICATION NO. 2189 OF 2022

SADDAM CHAPPAN SHAH

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Kartikey Mishra a/w Adv. Laxmann Shahapur a/w Adv.
Rohit K. Mishra a/w Adv. Srishti Dubey a/w Adv. Rohit K.
Sinha for the Applicant.

Smt. Sangeeta D. Shinde, APP for the State.

API Vinod Vasave, Worli Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 8, 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 302, 342, 201 and 34 of the
Indian Penal Code, 1860 registered on 18.04.2021 vide C.R.
No.146 of 2021 with Worli Police Station, Mumbai.

3. The applicant is the accused No.1. The applicant was
arrested on 18.04.2021. In respect of co-accused – Ravi
Kumar s/o Dev Narayan by an order dated 05.10.2023,
while enlarging the co-accused on bail the following order
came to be passed.

"2. This is an application for bail in respect of the offence punishable under Sections 302, 342, 34 and 201 of the Indian Penal Code registered on 18/04/2021 vide C.R. No.146 of 2021 with Worli Police Station, Mumbai.

3. There are 4 accused in all and the applicant is accused No.2. The applicant was sleeping on a footpath when he heard some commotion. Some people were chasing a person who had stolen some articles like a jack of car, mobile phone, etc. The victim was caught hold of, when he tried to resist, the 4 accused assaulted the victim. One of the accused had an iron rod. So far as the present applicant is concerned, he had a bamboo stick. The applicant assaulted the victim on his hands, legs and back. There are eyewitnesses to the incident who have attributed the role to the applicant of assault by a bamboo stick on the hands and legs of the victim. The cause of death as per the post-mortem report is "Shock and haemorrhage following multiple contusions all over the body. (Homicide)".

4. Learned APP opposed the application.

5. Prima facie, so far as the applicant is concerned, it does not appear that there was any intention on his part to kill the victim. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail who is now in custody for more than 2 years and 5 months as the trial is likely to take a long time to conclude. Even the charge has not been framed. The investigation is complete and the charge-sheet has been filed. Any further incarceration will only be by way of a pre-trial punishment."

4. Learned APP opposed the application for bail.

5. The applicant is alleged to have assaulted the victim with wooden stick, fist and kick blows. The role assigned to the present applicant is similar to that of co-accused - Ravi Kumar s/o Dev Narayan who has been enlarged on bail. I am therefore inclined to allow the application for the same reasons as in the order dated 05.10.2023 enlarging the co-accused - Ravi Kumar s/o Dev Narayan on bail. The

applicant was arrested on 18.04.2021 and is now in custody almost for three years. Even the charge has not been framed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Saddam Chappan Shah in connection with C.R. No.146 of 2021 registered with Worli Police Station 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 Worli Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.

6. The application is disposed of.

(M. S. KARNIK, J.)