



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2715 OF 2023

Zishan Jamir Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. A. R. Shaikh, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the Respondent-State.
Mr. Amol Ghodke, P.S.I. attached to Loni Kalbhor Police Station,
Pune City present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 4th MARCH 2024

PC:-

1. Heard Mr. Shaikh, learned Counsel appearing for the Applicant and Ms. Kaushik, 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.	144 of 2023
2.	Date of Registration of F.I.R.	16/02/2023
3.	Name of Police Station	Loni Kalbhor Police

		Station, Pune
4.	Section/s invoked	302 of the I.P.C.,1860
5.	Date of Incident	15/02/2023
6.	Date of Arrest	17/02/2023
7.	Date of filing of Charge-sheet	16/05/2023

3. As per the prosecution case, the Applicant is the son of the deceased. At the relevant time, the Applicant was aged 18 years and was in 12th Standard. The Applicant was not studying properly and therefore, the deceased i.e. mother of the Applicant was angry at the Applicant. There was some altercation between the Applicant and the deceased, during which the Applicant strangled the deceased i.e. his mother.

4. Mr. Shaikh, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. In fact, entire basis of the prosecution case is the statement of the Applicant. He submitted that the Applicant is aged 18 years and the incident in question occurred on the spur of the moment. He submitted that the Applicant is a student and therefore, he be released on bail.

5. On the other hand, Ms. Kaushik, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She submitted that although the incident in question had occurred suddenly, however, the Applicant tried to fabricate evidence to portray that the deceased died by suicide.

6. In the present case, Charge-sheet was filed on 16th May 2023. The Applicant is an 18 years old student. *Prima facie* there is substance in the contention of learned Counsel appearing for the Applicant that the incident in question occurred on the spur of the moment.

7. Mr. Shaikh, learned Counsel appearing for the Applicant submitted that there are no criminal antecedents against the Applicant. Ms. Kaushik, learned APP appearing for the Respondent-State on instructions from the Investigating Officer, who is personally present in the Court confirmed the said statement. Therefore, he submitted that the Applicant be released on bail.

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

9. There are no criminal antecedents against the present Applicant.
10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Zishan Jamir Shaikh be released on bail in connection with C. R. No.144 of 2023 registered with the Loni Kalbhor Police Station, District-Pune on his furnishing P. R. Bond of Rs.10,000/- with one or two sureties in the like amount.
- (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, District-Pune once in a month i.e. on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. for six months and thereafter, as and when called by the Investigating Officer.

- (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 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.

12. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]