



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

CRIMINAL BAIL APPLICATION NO.3268 OF 2023

Rais Hanif Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Sagar Paspohe, for the Applicant.

Mr. P. H. Gaikwad, APP, for the Respondent-State.

Mr. Samir Aawle, 9927 Police Amaldar, Kondhwa Police Station present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 2nd JANUARY 2024

P.C. :

1. Heard Mr. Sagar Paspohe, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent/State.
2. The relevant details are as follows:-

1	C.R. No.	222 of 2023
2	Date of Registration of F.I.R.	25 th February 2023
3	Police Station	Kondhwa, Pune
4	Sections Applied	302, 201 r/w. 34 of IPC
5	Date of Incident	24 th February 2023
6	Date of Arrest	26 th February 2023

7	Date of filing of Chargesheet	29 th May 2023
8	Status of Trial	Not commenced.
9	Previous Criminal Antecedents	No.

3. The case is of circumstantial evidence. The Applicant is having two wives. The statement of witness Mohammad Asif Mohammad Ismail Ansari dated 25th February 2023 shows that there was quarrel at 6.30 a.m. on 24th February 2023 between the two wives of the Applicant i.e. the Accused No.2-Shabana Rais Shaikh and the deceased Fatimabi Rais Shaikh. In the said quarrel, Accused No.2-Shabana Rais Shaikh assaulted the deceased-Fatimabi.

4. Learned APP pointed out certain statements showing that the present Applicant has tampered with the evidence to make it appear as if the deceased had died by suicide. He pointed out the post mortem report showing that there are various injuries on the body of the victim.

5. The statement of witness-Mohammad Asif Mohammad Ismail Ansari dated 25th February 2023 shows that in fact, assault was by Accused No.2-Shabana Rais Shaikh i.e. wife of the Applicant. The said Accused No.2-Shabana Rais Shaikh has been granted bail by

Order dated 7th June 2023 passed by learned Additional Sessions Judge, Pune.

6. The Chargesheet has been filed on 25th May 2023. There are no antecedents. Accused No.2-Shabana Rais Shaikh who is the wife of the present Applicant, is already enlarged on bail. There is no eye-witness and the evidence is circumstantial in nature.

7. It is an admitted position that there was a quarrel between the Accused No.2 and the victim i.e. two wives of the Applicant at 6.30 a.m. on 24th February 2023 and the victim was found dead at 8.30 a.m. The trial is unlikely to be concluded any time soon and will take a considerably long time. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

- (a) The Application is allowed.
- (b) The Applicant-Rais Hanif Shaikh be released on bail in connection with C.R. No.222 of 2023 registered with Kondhwa Police Station, Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall not enter the area covered under the jurisdiction of Kondhwa Police Station, Pune City on being released

on bail, except when summoned by the Investigating Officer.

(d) On being released on bail, the Applicant shall furnish his contact number and residential address to the Investigating Officer while residing outside the jurisdiction of Kondhwa Police Station, Pune City and shall keep the same updated, in case there is any change.

(e) The Applicant shall report to the Hadapsar Police Station, Pune City once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the trial concludes. The Police Inspector of Hadapsar Police Station to communicate details thereof to the Investigating Officer.

(f) 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/her from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

[MADHAV J. JAMDAR, J.]