



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

BAIL APPLICATION NO. 3353 OF 2023

SHUBHAM @ ADITYA SHIVAJI ABHANG ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Amol Patankar, for the Applicant.
Mr. Balraj B. Kulkarni, APP for the State.
API-Mr. R.R. Pandhare, Vashi Railway police station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 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 307, 323, 504 read with 34 of the Indian Penal Code, 1860 and sections 37(1) and 135 of the Maharashtra Police Act, 1951 registered on 29/01/2022 vide C.R. No. 18 of 2022 with Vashi Railway police station.
3. The earlier bail application was withdrawn on 27/09/2023. The applicant was arrested on 29/01/2022. The date of the offence is 29/01/2022. The complainant and his acquaintances had been to Turbhe market for buying fruits

as they are the fruit vendors. While returning, when they were in the moving train, the applicant tried to take out a kiwi fruit from the complainant's bag and when the complainant tried to stop him, the applicant started abusing the complainant. The applicant was annoyed. He instigated the juvenile accused to kill the complainant. The juvenile accused took out a knife and inflicted one blow in the stomach of the injured witness just below his chest. The injury sustained by the injured witness is grievous. The applicant is now in custody for more than 2 years. The charge has not been framed. The possibility of trial concluding any time soon is remote. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. Learned counsel for the applicant on instructions submitted that the applicant is willing to reside outside Mumbai/Mumbai Suburban District and Thane District. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shubham @ Aditya Shivaji Abhang in

connection with C.R. No.18 of 2022 registered with Vashi Railway 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 shall attend the investigating officer of Vashi Railway police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) 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.

(f) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter Mumbai/Mumbai Suburban District and Thane District after being released on bail, till the trial concludes.

(g) After one year, it is open for the applicant to make an appropriate application to the trial Court for modification of the condition to enter the area of Mumbai/Mumbai Suburban

District and Thane District which shall be considered on its own merits.

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

4. The application is disposed of.

(M. S. KARNIK, J.)