

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

CRIMINAL BAIL APPLICATION NO. 3646 OF 2023

Hasan Husain Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aditya Sharma, Advocate, for the Applicant.

Mr. P.P. Deokar, APP, for Respondent-State.

PSI, Mr. Suraj Kamble, Uran Police Station, Navi Mumbai present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 21st March 2024

P. C.

1. Heard Mr. Sharma, learned Counsel for the Applicant and Mr. Deokar, learned APP 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.	58 of 2020
2.	Date of registration of F.I.R.	24th February 2020
3.	Name of Police Station	Uran, District-Raigad
4.	Section/s invoked	302 and 201 of <i>I.P.C., 1860</i> ;
5.	Date of incident	23rd February 2020
6.	Date of arrest	27th February 2020
7.	Date of filing Charge-sheet	21st May 2020

3. As per the prosecution case the deceased was in a relationship outside of marriage with one Mukhtar Ali. Accused No.1- Tabsum Mukhtarali Sangram is the wife of said Mukhtar Ali, Accused No.2- Ruksar Mukhtarali Sangram is daughter of said Mukhtar Ali and Accused No.1- Tarbum. Accused No.3 is the boy-friend of Accused No.2- Ruksar.

4. As per the prosecution case, due to the said relationship outside of marriage between the deceased and Mukhtarali i.e. the husband and father of Accused No.1 and Accused No.2 respectively, the incident took place.

5. Mr. Sharma, learned Counsel for the Applicant submitted that the case is based on circumstantial evidence. The motive if any is attributed to the Accused No.1. He submitted that the Applicant is about 27 years old. There are no antecedents. The Applicant is in custody since 27th February 2020. The Charge-sheet is already filed. There is no progress in the trial except that the Charges were framed on 4th January 2023.

6. On the other hand, Mr. Deokar, learned APP vehemently opposed the Bail Application. He submitted that the Accused No.1 to 3 entered into a conspiracy to commit the offence with premeditation. He therefore, submitted that the Bail Application may be rejected. On instructions, he submitted that there are no antecedents.

7. Perusal of record shows that the incident in question took place on 23rd February 2020 and the Charge-sheet was filed on 21st May 2020. As per the Charge-sheet, there are about 26 witnesses proposed to be examined by the prosecution. Accordingly, the trial is likely to take a considerably long time.
8. The Applicant does not appear to be at risk of flight.
9. The Applicant is in the custody since 3 years and 9 months.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Hasan Husain Shaikh be released on bail in connection with C.R. No.58 of 2020 registered with the Uran Police Station, District - Raigad on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent 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 Uran Police Station, District - Raigad on the Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 prosecution evidence and shall not contact or influence the Complainant or any prosecution 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]