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

BAIL APPLICATION NO.3940 OF 2022

MOHSIN SOMAD SHEIKH ..APPLICANT
VS
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Satheesh K. R. for the applicant.
Mr. S. V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 11, 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 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), under Section 4(25) of Arms Act and under Sections 37(1), 135 of Maharashtra Police Act registered on 23.11.2019 vide C.R. No.1119 of 2019 with Hadapsar Police Station.
- 3.** The FIR was registered on 23.11.2019. There are two accused. The applicant is the accused No.2. The applicant

was arrested on 23.11.2019. The prosecution alleges that the applicant was in a relationship with the accused No.1. This relationship came to the notice of the husband of the accused No.1. Apprehending that the husband of the accused No.1 will create problems for the accused, they decided to kill him. It is alleged that when the accused No.1's husband was fast asleep at home, the present applicant went there armed with koyta. The applicant dealt several blows on the deceased, including on the vital parts.

4. Learned APP while opposing the application for bail submitted that there are sufficient materials against the applicant. My attention is invited to the extra judicial confession of the applicant. It is further submitted that blood stained clothes are recovered at his instance.

5. The applicant is in custody for more than four years and four months. The charge is not framed. The trial is not likely to conclude any time soon. The prosecution case is based on circumstantial evidence. The weapon was found at the spot. The materials relied upon are recovery of blood stained clothes and extra judicial confession. There are no

criminal antecedents reported against the applicant. I am therefore inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mohsin Somad Sheikh in connection with C.R. No.1119 of 2019 registered with Hadapsar 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 Hadapsar 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.

6. The application is disposed of.

(M. S. KARNIK, J.)