

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

CRIMINAL BAIL APPLICATION NO. 239 OF 2024

Khashiya @ Kasim Babulal Shaikh ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Aniket S. Nangare, Advocate for the applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Ms. Priyanka Nikam, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 28th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 642 of 2022 registered with Bharati Vidyapeeth Police Station, Pune for the offences punishable under Sections 307, 394, 504 and 506 of the Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959, Section 7 of Criminal Law (Amendment) Act, 2013 and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act, 1951.

- 3) The learned Counsel for the applicant submits that the applicant is a young boy of 20 years and he is in jail from last more than one and half years. It is submitted that considering the fact that the charge-sheet has been filed, the applicant may be released on bail.
- 4) On the other hand, the learned APP is strongly opposed the application.
- 5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there are five antecedents against the applicant of a similar nature. Furthermore, all five antecedents are of 2021 and the present offence is of 2022. Moreover, there are eye-witnesses to the incident and considering the injury certificate of the brother and informant, it is evident that the injuries were serious.
- 6) Furthermore, since there is sufficient incriminating material available against the applicant and if the applicant is released on bail, he may commit similar offence. I do not find this is a fit case for grant of bail. Accordingly, the application is rejected and disposed of.
- 7) However, considering that there was already a Sessions Court's order to expedite the trial could be concluded at the earliest.
- 8) Liberty is granted to the applicant to apply afresh for grant of bail before the trial Court after one year if there is no progress in trial.

[ANIL S. KILOR, J.]