

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

CRIMINAL BAIL APPLICATION NO. 4605 OF 2024

Shahanwaj @ Bablu Shoab Shaikh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket Vagal with Kunal N. Pednekar, Ms. Savvy Kolhekar,
Advocate for Applicant.

Ms. S. M. Yadav, APP for State-Respondent.

Mr. Bhaurav Hemrao Gavali, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 11th DECEMBER, 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. 33 of 2024 registered with Abhona Police Station, Nashik for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.
- 3) The whole case is based on circumstantial evidence and though the learned APP is relying upon the statement of the co-accused to oppose the present application, she failed to point out that the

admissibility of such statement to prima facie shows the complicity of the applicant in the alleged offence.

4) There is no direct evidence of the alleged incident and even the role of the applicant is considered as per the statement of the co-accused, prima facie it appears that he was driving the vehicle. There are no allegations about any over act against the applicant. There is no role attributed to the applicant.

5) This Court while considering the bail application of the co-accused Sadique Ibrahim Khan, granted bail to him on the ground that he was made accused relying upon a statement of the co-accused. This Court however did not give much importance to the CDR to deny the bail to the said accused, for the reason that all the accused are known to each other. Otherwise also, the CDR cannot be made sole basis to arrive at a conclusion as regards the involvement of any accused in the alleged offence.

6) In the circumstances, on parity also, the applicant is entitled for grant bail. Accordingly, I pass the following order.

ORDER

- i The Bail Application is allowed;
- ii It is directed that the Applicant shall be released on bail in Crime No. 33 of 2024 registered with Abhona Police Station, Nashik for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State to apply cancellation of bail in case of any breach of condition if the applicant commenced similar offence;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]