

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1057 OF 2025

Shoaib Imran Mulla

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Abhilasha Pawar a/w Mr. Aniket U. Nikam, learned Advocate for the Applicant.

Mrs. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JULY 2025.

P.C. :

1. Heard Ms. Abhilasha Pawar, learned Advocate for the Applicant and Mrs. Madhavi Mhatre, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 835 of 2024 registered with Shivaji Nagar Police Station, District-Kolhapur for the offences punishable under Sections 109(1), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (“**BNS**” for short).

3. Ms. Abhilasha Pawar, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No.

9 of 2025 and is pending on the file of Additional Sessions Judge, Ichalkaranji.

4. Criminal Bail Application No. 299 of 2024 filed by the Applicant was rejected by the Court of Additional Sessions Judge, Ichalkaranji vide order dated 18th January 2025.

5. There are 2 accused in the present crime. Applicant is Accused No. 2. Applicant was arrested on 30th September 2024 and since then he is in jail.

6. Case of the prosecution is that a dispute between the accused persons, the victim and his friend, turned violent resulting in a fight and the accused assaulting the victim in the said fight.

7. Ms. Abhilasha Pawar, learned Advocate submits that though the First Information Report makes a reference to the Applicant being involved in the alleged assault, however neither the victim, nor the persons, who are alleged to be the eye witnesses, have made any reference to the Applicant in their statements. She submits that none of the statements indicate or allege any role to the Applicant in the said crime. She submits that at the most the allegation against the Applicant in the crime is being present at the scene of offence. She submits that there are no recoveries at the instance of Applicant. She submits that the Applicant does not have any criminal antecedents. She therefore submits that the Applicant would be entitled for bail.

8. Mrs. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that Accused No. 1, who happens to be a brother of

Applicant, had assaulted the victim and the Applicant was present at the time of the said assault. She submits that the injuries caused to the victim are grievous in nature.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Though the FIR implicates the Applicant in the said crime, however perusal of the statements of victim and three eye witnesses in the said crime indicate that there is no overt act alleged against the Applicant. In view of the same, *prima facie* there is no material on record to support the allegations made against the Applicant. Custody of the Applicant pending the trial is not warranted. Applicant is therefore entitled for bail.

11. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 835 of 2024 registered with Shivaji Nagar Police Station, District-Kolhapur for the offences punishable under Sections 109(1), 351(2), 352 and 3(5) of the BNS on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Ichalkaranji.
- b. Applicant shall regularly appear before the Additional Sessions Judge, Ichalkaranji as and when the date in

Sessions Case No. 9 of 2025 is fixed, unless exempted by the learned Trial Court.

- c. 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.
- d. Applicant shall not tamper with the prosecution evidence.
- e. Applicant upon release, within a period of 3 days from his release, shall furnish his residential address with proof and contact details to the Investigating Officer, Shivaji Nagar Police Station, District-Kolhapur.

12. Criminal Bail Application No. 1057 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.07.04
13:17:33 +0530