

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

CRIMINAL BAIL APPLICATION NO. 3419 OF 2025

Shahbaj Shahnawaj Patel

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Irshad Malik a/w Mr. Sajid Mahat i/b Mr. Sehrab Mushriff,
Advocate for the Applicant.

Ms. Priyanka S. Rane, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2025.

P.C. :

1. The Applicant is seeking regular bail in connection with C.R. No.90 of 2023 registered with Hupari Police Station, District: Kolhapur, for the offence punishable under Section 109(1), 351(3), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS Act”).
2. It is prosecution’s case that on 17th March, 2025 around 9:15 p.m. the Applicant and co-accused assaulted the first informant with sharp weapon (“Edka”).
3. It is contention of learned counsel for the Applicant that the main allegations are against the co-accused, who assaulted the first

informant. In complaint, there are no specific allegations against the Applicant about assault to the first informant. The Applicant is behind bars for more than five months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned APP that Applicant along with co-accused assaulted the first informant with sharp weapon with intention to kill him. The Applicant was part of the group, who assaulted the first informant, it shows his involvement in the crime. If the Applicant is released on bail, he may threaten the prosecution witnesses and first informant, and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. In F.I.R. there are no specific allegations against the Applicant about assault on the first informant. To prove common intention evidence is required. The Applicant is behind bars for more than five months. Investigation is completed and charge-sheet has been filed. Considering these facts, I pass following order:

ORDER

- i. Application is allowed.

- ii. The Applicant be released on bail in connection with C.R. No.90 of 2023 registered with Hupari Police Station, District: Kolhapur, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - iii. The Applicant shall attend the concerned police station as and when required.
 - iv. The Applicant shall remain present before the trial Court on each date unless exempted by the Trial Court.
 - v. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
 - vi. The Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
7. The application is allowed in the aforesaid terms and is accordingly disposed off.
8. It is made clear that the above observations are made only

for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)