

Harish

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

CRIMINAL BAIL APPLICATION NO.4905 OF 2024

Shahrukh Rafik Mulla	Applicant
Vs.	
The State Of Maharashtra	Respondent

HARISH
VITHAL
CHAUDHARI

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Adv. Priyal Sarda a/w Onkar Bajaj i/b Abhishek Jare for the Applicant.
Ms. N. B. Patil, APP for the Respondent-State.
ASI P. K. Bankar, Umbraj Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C. R. No. 78 of 2023 registered with Umbraj Police Station, District Satara for the offences punishable under Sections 307, 385, 387, 109, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, and Sections 37(1)(3), 135 of The Maharashtra Police Act and Sections 3(1)(2), 3(2) and 3(4) of The Maharashtra Control of Organized Crime Act, 1999.
2. It is the prosecution's case that 29th January, 2023a round 7.30 p.m., applicant and co-accused assaulted the first informant with beer bottle, fist and kick blows with an intention

to kill him on the ground of paying the bill of liquor.

3. It is the contention of learned counsel for the applicant that out of seven accused six have been released on bail. The allegations against the applicant is that he assaulted the first informant with bear bottled on his head. The injury suffered by the first informant is simple in nature. Applicant is behind bar more than two years. Yet charge is not framed. Hence, requested to allow the application.

4. It is the contention learned APP that the applicant has antecedent. He assaulted the first informant with bear bottle on his head with intention to kill him. There are statement of the eye witnesses showing involvement of the applicant in the crime. The applicant is a habitual offender. He was extern from Satara district for tow years. If he released on bail he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel, perused FIR and documents produced on record.

6. The allegations against the applicant are that he along with co-accused assaulted the first informant and the applicant

assaulted on the head of the first informant with bear bottle with intention to kill him. The injury certificates produced on record shows that the first informant has suffered simple injuries. Whether the applicant and co-accused had intention to kill the deceased is a part of evidence. Applicant is behind bar more than two years. Yet, charge has not framed. Considering the above facts, further detention of the applicant is not required.

7. In view of the above, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail in C.R.No. 78 of 2023 registered with Umbraj Police Station, Dist: Satara, on executing 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 trial court proceeding regularly.
- (iv) The applicant shall not enter in Satara District till recording of evidence of the first informant except attending the court dates.
- (v) 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.

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.

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

[SHIVKUMAR DIGE, J.]