

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

CRIMINAL BAIL APPLICATION NO. 1113 OF 2024

Shamshul @ Arman Aliahmed Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Vikram R. Shinde, Advocate for the Applicant.

Mrs. G. S. Rao, A.P.P. for the Respondent – State.

Mr. Nilesh Ghorpade, (API), Lonikand Police Station, Pune City,
present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	2nd APRIL, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 87 of 2023 registered at Lonikand Police Station, District : Pune for the offence punishable under Section 302 of the Indian Penal Code.
3. On 25.01.2023, the Truck bearing registration No. DN09/R/9058 was found in abandoned condition within the vicinity of Village Vadu-Budruk, Taluka Haveli, District :

Pune and the deceased, who was driver on the said container was found dead. According to the prosecution, the applicant was a cleaner on the said truck. It is alleged that dispute arose between the applicant and the deceased on some trivial issue and during the said dispute, the applicant assaulted the deceased by spanner and committed his murder.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for two years and two months and the trial has not commenced. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned A.P.P for the Respondent-State submits that there is a material in the form of call records to show that the applicant was with the deceased. It is submitted that there is a recovery of spanner at the instance of present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the charge-sheet. The case is based on circumstantial evidence. The applicant is in jail for about two years and two months. There are no other criminal antecedents against the applicant. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 87 of 2023 registered at Lonikand Police Station, District : Pune for the offence punishable under Section 302 of the Indian Penal Code, 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 concerned Police Station once in a month i.e. on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)