

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

CRIMINAL BAIL APPLICATION NO. 5026 OF 2024

Mehboob Saifan Balurgi	...Applicant
Versus	
The State of Maharashtra	...Respondent

....

Mr. Amit Icham a/w Mr. Chaitanya Purankar, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

....

CORAM	:	N. R. BORKAR, J.
DATE	:	11th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 788 of 2021 registered at Bharati Vidyapeeth Police Station, District : Pune for the offences punishable under Sections 302, 120-B, 109, 115 of the Indian Penal Code and Sections 3(25)(1-B)(a), 5(27), 7(25)(1-AA), 8(2)(25)(1-B)(C), 9(1)(A)(i)(25)(1-B)(D) of the Arms Act and Sections 37(1) r/w Section 135 of the Maharashtra Police Act.
3. According to the prosecution, there was financial dispute between the deceased and the present applicant. It is

alleged that the present applicant had thus entered into conspiracy with the co-accused to kill the deceased. It is alleged that pursuant to the said conspiracy, on the date of incident which took place on 06.12.2021, the present applicant and other co-accused fired gun shots at the deceased 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 this Court has already released the co-accused, who actually fired the gun shots at the deceased. It is submitted that the applicant is in jail for more than three years and the trial has not commenced. It is submitted that considering the above circumstances the applicant be released on bail.

6. On the other hand, the learned A.P.P for the respondent – State submits that the present applicant is the main accused and was known to the father of the deceased, who is an eye witness to the incident. It is submitted that other co-accused were not known to the father of the deceased and this Court has released them for want of T.I Parade. It is

submitted that considering the nature of offence, the applicant may not be released on bail.

7. The motive for alleged crime is attributed to the present applicant. According to the father of the deceased, the present applicant was with the assailants at the time of alleged incident. Considering the nature of crime, I am not inclined to release the applicant on bail. The application is rejected.

(N. R. BORKAR, J.)