

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1129 OF 2025

Mukeem Budai Shaha

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Bhushan Ulhas Deshmukh a/w Mr. Shashank Patore, learned Advocates for the Applicant.

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

PSI Mr. Ajay Lohekar attached to Shirgaon-Parandwadi Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd SEPTEMBER 2025.

P.C. :

1. Heard Mr. Bhushan Deshmukh, learned Advocate for the Applicant and Ms. 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. 181 of 2024 registered with Shirgaon-Parandwadi Police Station, District-Pimpri-Chinchwad for the offences punishable under Sections 121(1)(2), 132, 189(2), 190, 191(2) & 193(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short).

3. Mr. Bhushan Deshmukh, learned Advocate for the Applicant

submits that the abovesaid crime is registered as Sessions Case No. 113 of 2024 and is pending on the file of Additional Sessions Judge, Vadgaon Maval, District-Pune.

4. There are 5 accused persons in the present crime. Applicant is Accused No. 1.

5. Case of the prosecution is that Informant Ali Abdul Shaikh, Police Naik lodged a report claiming that on 7th July 2024 at 2.00 hours at Mouje-Salumbre, he was investigating a case of stolen goods in the scrap shop near Kasarsai Road. At that point of time, he was assaulted by the persons accused in the crime.

6. Applicant was arrested on 7th July 2024, since then he is in jail. Criminal Bail Application No. 425 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Vadgaon Maval, District-Pune by order dated 24th October 2024.

7. Mr. Bhushan Deshmukh, learned Advocate for the Applicant submits that though other accused persons are referred by the Informant in the complaint, however Applicant (Accused No. 1) is not named in the complaint. He submits that there is no material on record to indicate the involvement of Applicant in the present crime. He submits that the statement of Santosh Balkrushna Adhav, a adjoining shop owner though makes reference to the incident, however he neither names the Applicant nor alleges of Applicant being involved in the incident. He on instructions submits that though charge has been framed in Sessions Case No. 113 of 2024, till date no witnesses have been examined. He submits that the prosecution has enlisted 8 witnesses in Sessions

Case No. 113 of 2024.

8. Ms. Madhavi Mhatre, learned A.P.P for the State/Respondent submits that the Informant is a public servant and he was obstructed and assaulted during discharge of his duties. She submits that though the complaint does not name the Applicant, however involvement of Applicant is established from the material on record.

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

10. Perusal of the records indicate that the Applicant is not named in the complaint filed by the Informant. As submitted by Mr. Bhushan Deshmukh, learned Advocate for the Applicant, the allegations of assault are against other accused persons in the crime. Considering the material on record, the fact of the Applicant being in jail from 7th July 2024 and the maximum punishment for the offences alleged in the crime being of 5 years, continuation of Applicant in jail is not warranted. Hence, the Applicant is entitled to 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. 181 of 2024 registered with Shirgaon-Parandwadi Police Station, District-Pimpri-Chinchwad for the offences punishable under Sections 121(1)(2), 132, 189(2), 190, 191(2) & 193(3) of the

BNS on executing PR. 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, Vadgaon Maval, District-Pune.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such a person from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness in any manner.
- d. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Shirgaon-Parandwadi Police Station, District-Pimpri-Chinchwad and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 113 of 2024, pending on the file of Additional Sessions Judge, Vadgaon Maval, District-Pune, on each and every date, unless exempted from appearance.

12. Criminal Bail Application No. 1129 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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