

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2885 OF 2025

Shahrukh Mubarak Attar

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Vivek Arote a/w Mr. Akshay Dingale, for the Applicant.

Mr. Shailesh S. Ghag, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 14th August 2025

PC.:

1. Heard Mr. Arote, learned Counsel appearing for the Applicant and Mr. Ghag, learned APP appearing for the Respondent-State.

2. This is the second Bail Application. The First Bail Application has been allowed to be withdrawn by this Court, by Order dated 3rd July 2024 passed in Bail Application No.1275 of 2023. However, liberty was granted to the Applicant to file fresh Bail Application after a period of 1 year, if the trial is not concluded.

3. Mr. Arote, learned Counsel for the Applicant states that till date there is no progress in the trial except framing of the Charge. He states that there are about 32 witnesses proposed to be examined by the prosecution. He further states that there are total 14 accused and 10

have been released on bail.

4. Mr. Ghag, learned APP submits that the crime is very serious and therefore the Bail Application be rejected.

5. The relevant details are as follows:-

1	C. R. No.	41 of 2021
2	Date of registration of F.I.R.	24/01/2021
3	Name of Police Station	Shivaji Nagar, Kolhapur
4	Section/s invoked	302, 143, 147, 148, 149, 323, 504, 506 of the <i>Indian Penal Code, 1860</i> ; 4 and 25 of <i>the Arms Act, 1959</i> .
5	Date of incident	23/01/2021
6	Date of arrest	24/01/2021
7	Date of filing Charge-sheet	20/04/2021

6. The learned APP strongly opposed the Bail Application. However, it is required to be noted that the Applicant has been arrested on 24th January 2021. The Applicant is incarcerated for about 4 years and 7 months and there is no progress in the trial, except framing of the Charge. As per the Charge-sheet, there are 32 witnesses proposed to be examined by the prosecution. Accordingly, the trial will take considerable time to conclude.

7. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the

State to devise such a procedure as would ensure speedy trial to the Accused.¹ Therefore, the Applicant is entitled for bail.

8. Although the Applicant is not entitled to be released on bail on merits, however, the Applicant is entitled to be released on bail as his fundamental right of speedy trial is violated.

9. As already noted above out of 14 accused, 10 have been released on bail. Accordingly, by imposing stringent conditions, the Applicant can be released on bail.

10. Although the Applicant is entitled to be released on bail, in view of long incarceration, however, as several witnesses are from the same locality, where the Applicant was staying, Mr. Arote, learned Counsel for the Applicant states that the Applicant will not enter District-Kolhapur and he will stay at the residence of his brother-in-law i.e. C/o Mr. Aayub Shabbir Tamboli, At Chikurde, Chikurde Malvadi Z.P. School, Taluka Valva, District-Sangli.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Shahrukh Mubarak Attar be released on bail in connection with C.R. No.41 of 2021 registered with the Shivajinagar Police Station, District-Kolhapour on his

1 Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

furnishing P.R. bond of Rs.50,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall not enter the District-Kolhapur after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Kurlop Police Station, District-Sangli once in 15 days i.e. on 1st and 3rd Sunday of every month between 11.00 a.m. and 1.00 p.m. till 31st March 2026 and thereafter once in a month i.e. on 1st Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kurlop Police Station, District-Sangli to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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