

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

Bail Application No. 2946 of 2025

Altaf Taj Shaikh

Age 21 years, Occ.: Laborer,

R/at.: Chaitanya Chowk, Warje,

Malwadi, Dist: Pune.

... Applicant

versus

The State of Maharashtra

(At the instance of the P.I.

Warje Malvadi Police Station, Pune).

...Respondent

Mr Aniket Nikam a/w Mr Dushyant Digamber a/w Mr
Devendra Kale a/w Mr Deepak Kasbe, for the Applicant.

Mr Arfan Sait, APP, for Respondent / State.

PSI Sidheshwar Raygonda, Warje Malwadi Police Station, Pune,
is present.

Coram: R.N. Laddha, J.

Date: 30 September 2025

P.C.:

Heard. The learned Counsel for the applicant seeks leave
to amend the application to add an averment. Leave granted as
prayed for. The necessary amendment shall be carried out
forthwith.

2. This is an application for bail under Section 439 of the
Code of Criminal Procedure, 1973, preferred by the applicant

in connection with CR No.2 of 2023, registered at Warje Malvadi Police Station, Pune, for offences punishable under Sections 302, 143, 147, 148, 149, 504, read with 120B of the Indian Penal Code, Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951, Section 4(25) of the Arms Act, 1959, and Section 7 of the Criminal Law (Amendment) Act.

3. It is the case of the prosecution that on 1 January 2023, around 1:30 a.m., the informant was alerted by Atharva Rathod, a friend of the deceased, that the deceased had been attacked with a machete and stones by the applicant and co-accused, at Vitthalnagar, Warje. The informant and his uncle rushed to Mai Mangeshkar Hospital, where the deceased had been taken by friends. They found the deceased severely injured, bleeding from multiple wounds on his face, head, back, ear, eyebrow, wrist, waist, and with a partially severed finger. His friends' clothes were bloodstained. Despite medical efforts, the deceased died from his injuries. It is also alleged that a verbal confrontation between the deceased and the accused occurred on 29 December 2022, at Sangharsh Chowk, Warje Malwadi, which escalated tensions leading to the fatal attack.

4. Mr Aniket Nikam, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence,

submits that the applicant has been falsely implicated in the crime. He contends that the applicant was arrested on 1 January 2023, without any concrete evidence linking him to the commission of the crime, and that the arrest was based solely on conjecture and surmise, rather than any substantive or corroborative evidence. Drawing attention to the prosecution's case, the learned Counsel points out that the specific and direct allegations pertain to the co-accused, against whom a particular role has been alleged. In contrast, no overt act or direct involvement has been attributed to the present applicant. It is further submitted that the applicant was not even present at the scene of the incident, and none of the material relied upon by the prosecution demonstrates any active participation or complicity on his part in the crime in question. He also asserts that the prosecution has failed to record the statement of Atharva Rathod, who is stated to have informed the informant about the alleged incident.

5. The learned Counsel emphasises that although a charge has been framed against the applicant, the trial has not progressed meaningfully, as not a single witness has been examined to date. He argues that in the absence of any cogent or credible evidence establishing the applicant's guilt, his continued incarceration amounts to a gross violation of his

fundamental rights enshrined under Article 21 of the Constitution of India. Furthermore, Mr Nikam submits that the applicant is not a flight risk and is ready and willing to comply with any conditions that may be imposed, including residing outside the territorial limits of the Pune district, save and except for the purpose of attending court proceedings related to the trial.

6. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the present bail application, emphasising the grave and serious nature of the offence. He contends that, although the applicant may not have been physically present at the scene of the crime at the relevant time, his role in the commission of the offence cannot be overlooked. The applicant actively participated in the planning and orchestration of the premeditated assault, thereby sharing a common intention with the co-accused in furtherance of a criminal conspiracy. Furthermore, the applicant was present during an earlier incident of an altercation between the co-accused and the deceased, which served as the immediate precursor and motivational grudge leading to the present offence. Raising serious apprehensions, the learned APP submits that if the applicant is released on bail, there exists a significant likelihood that he may tamper with the prosecution

evidence or attempt to influence or intimidate material witnesses, thereby jeopardising the fair administration of justice.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The applicant stands arraigned in connection with the alleged offence involving the fatal assault on the deceased, wherein it is contended that he conspired with the co-accused in orchestrating the said attack. The gravamen of the prosecution's case against the applicant hinges upon an unverified allegation of conspiracy, purportedly arising from his association with the co-accused during a prior altercation on 28 December 2022. Upon a meticulous examination of the case record, including the statements of prosecution witnesses, it emerges that the applicant was neither present at the locus of the incident nor was any overt act attributed to him in the commission of the alleged offence. The eyewitness accounts are notably bereft of any reference to the applicant's involvement—either in the antecedent confrontation or in the principal incident under adjudication.

8. Furthermore, the prosecution has failed to place on record any independent, corroborative, or forensic evidence that

would implicate the applicant in the alleged conspiracy. No incriminating material, weapon, or recoveries have been effected from the applicant or at his instance. Even in relation to the prior incident dated 28 December 2022, the record is silent as to any culpable conduct or incriminating conversation attributable to the applicant. Moreover, no material is available on record to show that the applicant had any motive to commit the alleged crime.

9. In light of the foregoing, this Court is of the view that the applicant has succeeded in demonstrating a *prima facie* case warranting the exercise of judicial discretion in his favour. Accordingly, this Court is inclined to extend the relief of bail to the applicant, subject to the imposition of appropriate conditions to ensure his availability for trial and to safeguard the interest of justice. Hence, the following order :

ORDER

- (i) The applicant shall be released on bail in connection with CR No.2 of 2023, registered at Warje Malvadi Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or exert

influence over witnesses.

(iii) The applicant shall refrain from entering the Pune District till the conclusion of the trial, except for attending the trial proceedings before the jurisdictional Court.

(iv) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

(R.N. Laddha, J.)