

VRJ

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

BAIL APPLICATION NO.40 OF 2026

Shafiq Ajmuddin Khalifa	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Pallavi Kante for the applicant.

Mr. Shrikant H. Yadav, APP for the State.

Mr. Sagar L. Holkar, PSI, Sangli City Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : FEBRUARY 4, 2026

P.C.:

1. By the present bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks regular bail in connection with Crime Register No. 57 of 2021 registered with Sangli City Police Station, District Sangli, for offences punishable under Sections 302, 201, 120-B, and 34 of the Indian Penal Code, 1860, and Sections 4, 25, and 27 of the Arms Act, 1959.

2. It is the case of the prosecution that on 29th January 2021,

the deceased was called to the terrace of a building. The deceased was accompanied by an acquaintance, who is an eye-witness. The statement of the eye-witness Ruturaj was recorded on 30th January 2021 under Section 161 of the Code of Criminal Procedure, 1973. The statement of another eye-witness, Suraj, was recorded on 31st January 2021 under Section 161 of the Code of Criminal Procedure, 1973. Their statements were recorded on 11th February 2021 under Section 164 of the Code of Criminal Procedure, 1973. The role attributed to the present applicant is that he assaulted the deceased with a sharp weapon along with the co-accused.

3. Learned counsel for the applicant submits that the applicant has been in jail since February 2021. Though the trial has commenced, there is no substantial progress, and only two witnesses have been examined so far. A co-accused, having a similar role, has already been released on bail by this Court on the ground of delay in trial. Therefore, the ground of parity is available to the present applicant. Hence, learned counsel prays that the applicant be released on bail.

4. Learned APP vehemently opposed the application,

submitting that the statements of the eye-witnesses show that the applicant is one of the assailants. The trial has been initiated and two witnesses have already been examined. Therefore, learned APP prays that the application be rejected.

5. I have heard learned counsel appearing for the applicant and the learned APP.

6. As per the statements of the eye-witnesses, the role of the present applicant and that of the co-accused Bhimrao Vani, who has been released by this Court, is similar. Both have been in custody since 2021. Though the trial has commenced, only two witnesses have been examined so far. As the ground of parity is available, and in view of the prolonged incarceration, the applicant deserves to be released on bail.

7. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant - Shafiq Ajmuddin Khalifa is directed to be released on regular bail in connection with Crime Register No. 57 of 2021 registered with Sangli City Police Station, District Sangli, for offences punishable under Sections 302,

201, 120-B, and 34 of the Indian Penal Code, 1860, and Sections 4, 25, and 27 of the Arms Act, 1959, upon furnishing a personal bond of Rs.50,000/- with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall not enter into Sangli City except for attending the trial and giving attendance to the Police Station.
- b) The applicant shall attend concerned police station, twice in a month, on first and last Friday of every month.
- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- d) The applicant shall not tamper the prosecution evidence and shall scrupulously attend the trial
- e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

8. The bail application is allowed and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)