

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4231 OF 2024**

Firoj Mehbub Korbu

... Applicant

Versus

The State of Maharashtra

... Respondent

Digitally signed
by SONALI
SATISH
KILAJE
Date: 2026.01.17
13:51:11
+0700

Mr. Satyavrat Joshi, Advocate for the Applicant (Through VC).
Smt. Ranjana D. Humane, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in C.R.No. 588 of 2023 registered with Nigadi Police Station, Pune, for the offence punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149 and 504 of Indian Penal Code, 1860 (for short "IPC"), Sections 4 and 25 of Arms Act, Sections 37(1)(3) read with 135 of Maharashtra Police Act and under Sections 3(1)(i)(ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

2. It is prosecution's case that on 11.10.2023, applicant and co-accused assaulted the deceased and his friend with sharp weapon and murdered the deceased on the ground of old dispute.

3. It is contention of learned counsel for the applicant that the

S.S.Kilaje

applicant is behind bars for more than two years. In the FIR, name of the applicant is not mentioned. In supplementary statement, the role attributed towards the applicant is that he was standing on one corner of the house where incident happened. There is no direct allegation against the applicant of assault to the deceased and his friend. Learned counsel further submitted that the statement of witness under Section 164 of Cr.P.C. is recorded after 3-4 months. In the statement role attributed to the applicant is that he assaulted the deceased and his friend. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant has five antecedents. The Applicant was present at the time of incident. He assaulted the deceased and his friend. The statement of witness under Section 164 of Cr.P.C. is recorded belatedly, as he was injured. If applicant is released on bail, he may threaten prosecution witnesses and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. In FIR, name of the applicant is not mentioned. In supplementary statement of first informant, the role attributed to the applicant is that on his say, other co-accused have assaulted the deceased and his friend. The statement of the first informant is recorded under Section 164 of Cr.P.C. after four months. In the said

S.S.Kilaje

statement, he has stated that on the say of the applicant, other co-accused have assaulted the deceased and his friend. To prove the statement of this witness, evidence is required.` As in FIR and supplementary statement, there are no allegations against the applicant of assaulting the deceased. The applicant is behind bars for more than two years. There is no progress in the trial and I pass following order.

ORDER

- i. The Applicant be released on bail in C.R.No. 588 of 2023 registered with Nigadi Police Station, Pune, on executing P.R.Bond of Rs.30,000/-, on furnishing one or two sureties in the like amount.
 - ii. The Applicant shall attend the concerned Police Station as and when required.
 - iii. The Applicant shall not tamper with evidence or attempt to influence the witnesses.
 - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
6. The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)