

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2439 OF 2025

Sohil Jahangir Shaikh ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

Mr. Vipul Dushing a/w Ms. Krishma Joshi a/w Mr. Sangram
Jadhav a/w Mr Ashish Saxena, for the Applicant.

Mr. Rishikesh M. Pethe, APP, for the Respondent – State.

Mr. Vijay P. Agate a.w Ms. Nazma Shaikh, for the Respondent No.2.
PI – Swati Jagtap, Mankhurd Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 17th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 482 of 2024 registered with Mankhurd Police Station, Mumbai, for the offences punishable under Sections 109, 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short, “BNS”), under Sections 4, 25 of The Arms Act, 1959 and Sections 37(1)(a) and 134 of Maharashtra Police Act.

2. As per the case of the prosecution, an incident occurred on 13th November 2024 in which the injured was assaulted by present Applicant and co-accused. There is allegation against present Applicant that he assaulted the injured with sword on his face and neck. The offence for attempt to commit murder

was attributed against the Applicant and co-accused. On conclusion of investigation, chargesheet is filed.

3. Learned Counsel for the Applicant submits that Applicant is in jail from 13th November 2024 and since then there is no progress in the trial as charge has also not been framed against the accused persons. It is his submission that co-accused is enlarged on bail and hence he seeks bail.

4. Learned APP opposes the application by contending that the nature of injuries caused to the injured are not properly reflected in the injury certificate. To support this submission he placed reliance on the photographs indicating the nature of injuries. It is his further submission that there are statements of eye witnesses indicating assault caused by the Applicant on the injured with sword. It is his submission that there are two offences against the Applicant.

5. Learned Counsel for informant opposes the application by contending that the investigation into the crime has not been properly conducted. It is his submission that there is a participation of two more accused persons who are neither made as accused nor taken into custody. It is his submission that having regard to the serious nature of crime, application be rejected.

6. Even if the case of the prosecution is accepted to be correct, question arises as to whether the Applicant can be kept in jail by way of pre-trial sentence. Undisputedly, Applicant is

arrested on 13th November 2024 and till date charge has not been framed against him and co-accused. This Court therefore, finds substance in the contention of the Counsel for the Applicant that there is no possibility of commencement and conclusion of the trial within a reasonable time. Applicant cannot be kept in jail by way of pre-trial sentence.

7. Insofar as criminal antecedents against the Applicant is concerned, appropriate conditions can be imposed in order to ensure that the Applicant does not interfere in the evidence of the prosecution. Learned APP apprehends the recurrence of similar incident in view of rivalry between two sides. Learned Counsel for the Applicant, on instruction, make statement that the Applicant will not enter the jurisdiction of Mankhurd Police Station till conclusion of trial. Hence, following order :-

ORDER

- i) Criminal Bail Application stands allowed in connection Crime No. 482 of 2024 registered with Mankhurd Police Station, Mumbai, for the offences punishable under Sections 109, 352, 3(5) of Bhartiya Nyaya Sanhita, 2023, under Sections 4, 25 of The Arms Act, 1959 and Sections 37(1)(a) and 134 of Maharashtra Police Act.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant to attend the concerned police station once in a month, till conclusion of the trial.

- iv) As undertaken, Applicant not to enter into the jurisdiction of Mankhurd Police Station, Mumbai, till conclusion of trial.
- v) The Applicant not to interfere in the evidence of prosecution, in any manner, whatsoever.
- vi) The Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vii) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

8. In view of the above, Application stands allowed and disposed of accordingly.

9. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-