

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4894 OF 2025

Nisar Mohammad Shaikh

....Applicant

Versus

The State of Maharashtra

....Respondent

Mr. Priyal Sarda along with Mr. Shubham Sudam Sane, Advocate for Applicant.

Mr. M. G. Patil, APP for Respondent-State.

API-Madhumati Shinde, Pimpri Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 387 of 2024 registered with Pimpri Police Station, District Pune, for the offences punishable under Sections 302, 143, 147 and 149 of the Indian Penal Code 1860 and Section 3(1)(ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 21st April 2024 around 5.30 pm, the applicant and co-accused murdered the brother-in-law of the first informant on the ground that he had love affair with one lady.

3. It is contention of learned counsel for the applicant that the allegations against the applicant is that he assaulted the deceased with fist

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and kick blows. Part of the incident is captured in CCTV footage. In the said CCTV footage, the applicant is not seen assaulting the deceased. The co-accused – Renuka Pawar, against whom similar allegations are made, has been released on bail. The applicant is behind bars for around two years. There is no progress in the trial. The applicant had no motive to kill the deceased and requested to allow the application.

4. It is contention of learned APP that the statement of the co-accused-Renuka Pawar is recorded under Section 18 of the the Maharashtra Control of Organised Crime Act, 1999 and in the said statement, she has specifically stated about the role of the applicant. The applicant actively participated in the assault on deceased. If he is released on bail, he may abscond or threaten the prosecution witnesses. The applicant has one antecedent. Hence, requested to reject the application.

5. I have heard both learned counsel, perused charge-sheet and documents produced on record.

6. The CCTV panchanama produced on record does not show that the applicant assaulted the deceased. The evidentiary value of the statement under Section 18 of the the Maharashtra Control of Organised Crime Act, 1999 of the co-accused can be considered at the time of trial. The applicant is behind bars for around two years. There is no progress in the trial. The co-accused - Renuka Pawar, against whom similar allegations

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are made, has been released on bail. Considering these facts, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No. 387 of 2024 registered with Pimpri Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with 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 the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)