

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4897 OF 2025**

Naushad Kathalu Shaikh

Applicant

Versus

The State of Maharashtra

Respondent

Ms. Pooja Agarwal, Advocate for the Applicant (through VC).

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 215 of 2023 registered with Sinhgad Road Police Station, District Pune, for the offences punishable under Sections 302, 141, 143, 147, 323, 324 and 336 of the Indian Penal Code 1860.

2. It is prosecution's case that on 17th May 2023 at around 11.00 pm., the applicant had called the first informant to settle the dispute between them. When the first informant came at the incident spot, there was a scuffle between the applicant, co-accused, and the first informant. At that time, the brother of the first informant came there. It is alleged that the applicant and co-accused assaulted the brother of the first informant with wooden stick. Due to the said assault, the brother of the first informant died.

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3. It is contention of the learned counsel for the applicant that the co-accused, against whom similar allegations are made, has been released on bail. The applicant is behind bars for more than two years and seven months. There is no progress in the trial and therefore requested to allow the application.

4. It is contention of learned APP that the applicant is the main culprit who called the first informant at the incident spot. The applicant and co-accused assaulted the deceased brother of the first informant, and there are specific allegations against the applicant that he assaulted the deceased with wooden stick. There is recovery of wooden stick from the applicant. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard learned counsel and perused the charge-sheet and documents produced on record. The co-accused, against whom similar allegations are made, has been released on bail. The applicant is behind bars for two years and seven months. There is no progress in the trial. The applicant has no antecedents. Considering these facts, the applicant is entitled to bail on the principle of parity. Hence, I pass the following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 215 of 2023 registered with Sinhgad Road Police Station, District Pune, on

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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.

6. 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.

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

(SHIVKUMAR DIGE, J.)