

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1426 OF 2025
IN
CRIMINAL APPEAL NO. 1152 OF 2015

Mustafa Ilahi Shaikh

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Anush Shetty i/b Dr. Yug Mohit Chaudhry for the Applicant.
Ms. Gauri Rao, APP for the Respondent-State.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.
DATED : 27th MARCH, 2026.

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for bail. Considering the pendency, the appeal may take some time to be heard. The applicant was convicted by the trial Court for the offence punishable under Section 302 of the Indian Penal Code for assaulting deceased and PW 1 in a quarrel initiated by the deceased at 12.45 a.m. on the night of 18th March, 2013. The trial proceeded against five accused. Two of the accused have been acquitted. The applicant is accused No.3.
3. Learned APP opposed the application stating that the offence is serious in nature.

4. As per the report submitted by learned APP, the applicant has undergone imprisonment for a period of 10 years, 9 months and 12 days. It is alleged that the applicant was instrumental in assaulting the deceased with an iron rod, however, there is no recovery. The deceased died due to head injury. The fatal injury is attributable to accused No.1. The accused No.1 has since been enlarged on bail. On the ground of parity as well as on the ground that the applicant has been in custody for more than 10 years, we are inclined to enlarge the applicant on bail during the pendency of this appeal.

5. Hence, the following Order:-

(i) The applicant-original accused No.3-Mustafa Ilahi Shaikh is enlarged on bail in Sessions Case No. 577 of 2013 arising out of FIR No. 136/2013 registered with Hinjewadi Police Station, District Pune, on his furnishing P. R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from Jail and during the pendency of the present Appeal, the applicant shall attend Hinjewadi Police Station, District Pune on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year. After the end of one year, the applicant shall attend Hinjewadi Police Station, District Pune on every first Monday of the every 3rd month between 10.00

a.m. and 12.00 noon. The applicant thus shall attend Hinjewadi Police Station, District Pune, four times in a year during the pendency of the present appeal.

6. The Interim Application is allowed in the aforesaid terms and disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)