

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.87 OF 2026**

Asif Yunus Shaikh

..Applicant

versus

The State of Maharashtra

..Respondent

Mr. Aniket Nikam along with Mr. Luv Suchak and Ms. Abhilasha Pawar,
Advocate for Applicant.

Mr. Prashant P. Jadhav, APP for Respondent-State.

API-Kishor Pawar, Fursungi Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 92 of 2025 registered with Fursungi Police Station, District Pune, for the offences punishable under Section 103 of the Bharatiya Nyaya Sanhita, 2023.

2. It is prosecution case that during the intervening night of 8th May 2025 to 9th May, 2025, deceased was murdered by unknown person by assaulting him with sharp weapon. In investigation, it revealed that the applicant murdered the deceased on the ground of old dispute.

3. It is contention of learned counsel for the applicant that the prosecution's case is based on circumstantial evidence. There is no witness who has stated that the deceased was last seen with the applicant. The

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applicant is behind bars for around 10 months, there is no progress in trial. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant had a dispute with deceased. Two days prior to the incident, the applicant had gone to the house of the deceased. The CDR produced on record shows that the applicant was in contact with the deceased on the day of the incident. Blood stained clothes and shoes are recovered at the instance of the applicant. The CCTV footage shows that on the day of the incident, the applicant and deceased were together. The applicant had made extra-judicial confession about the incident. 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 both learned counsel, perused charge-sheet and documents produced on record. The prosecution's case is based on extra-judicial confession, its evidentiary value can be considered at the time of trial. The applicant is behind bars for around 10 months. There is no progress in the trial. The applicant has no antecedents. Considering these facts, I pass following order :

ORDER

(i) The applicant be enlarged on bail in Crime No. 92 of 2025

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registered with Fursungi 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.

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.)