

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1306 OF 2026**

Baba Shafiq Shaikh

... Applicant

Versus.

State Of Maharashtra

... Respondent

Mr. Aniket Nikam, Advocate for the Applicant.

Mr. Nikhil Kamble a/w Ms. Heena Mistry, Advocate for the
Intervenor/Informant/Victim.

Mr. Sukanta Karmakar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th June, 2026.

P.C. :

1. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicant seeks regular bail in Crime No. 169 of 2018, dated 03.04.2018, registered with Sanghvi Police Station, Pune, for offences punishable under Sections 307, 504, 506, 141, 143, 144, 147, 148 and 149 of the Indian Penal Code, Sections 135 and 37(1) of the Bombay Police Act, and Sections 4 and 27 of the Arms Act.

2. Mr. Aniket Nikam, learned Advocate for the Applicant, states

that the Applicant was arrested on 16.04.2018 in Crime No. 169 of 2018.

3. Mr. Sukanta Karmarkar, learned APP for the Respondent-State, on instructions from the Police Officer attached to Sanghvi Police Station, Pune, submits that the Applicant was released on temporary bail with effect from 22.05.2020 in view of the COVID-19 pandemic. He further submits that the Applicant breached the terms of the said temporary bail with impunity and did not surrender within the time specified in the temporary bail.

4. Mr. Sukanta Karmakar, learned APP for the Respondent-State, submits that during the period when the Applicant was on temporary bail (in view of the COVID-19 pandemic), the Applicant committed an offence punishable under Section 307 of the Indian Penal Code and that Crime No. 89 of 2023 stands registered against the Applicant in respect of that offence at the Sanghvi Police Station. He further submits that the Applicant was arrested on 09.03.2023.

5. Mr. Sukanta Karmakar, learned APP for the Respondent-

State and Mr. Nikhil Kamble, learned Advocate for the Informant, submit that the Applicant has serious criminal antecedents, about 17 Nos. They state that despite the Applicant being aware of the 17 criminal antecedents, the Applicant has chosen to refer to only 7 antecedents in this Application at paragraph No. 8. They submit that the Applicant is a habitual offender who has no respect for law and is a serious threat to society. They submit that the present crime shows the brutality committed by the Applicant. They request the dismissal of this bail Application.

6. Faced with the above contentions raised by Mr. Sukanta Karmakar and by Mr. Nikhil Kamble, Mr. Aniket Nikam, learned Advocate for the Applicant, submits that, though the Applicant is alleged to have committed the crime during the period of temporary bail (in view of the COVID-19 pandemic), the same is yet to be established. He submits that the Applicant has disclosed 7 criminal antecedents referred to in this Application, and he has no instructions regarding the other 10 antecedents referred to by the learned APP.

7. Paragraph No. 8 of this bail Application reads as follows:-

8) *The Applicant submits that he has 7 criminal antecedent to his discredit the details of which are mentioned below :-*

<i>Sr. No.</i>	<i>Police Station</i>	<i>FIR No.</i>	<i>Offences</i>
<i>1.</i>	<i>Sangavi</i>	<i>89/2023</i>	<i>Sections 397 and 307 of IPC</i>
<i>2.</i>	<i>Chatushrunghi</i>	<i>440/2021</i>	<i>Sections 392, 384, 387, 323,, 324, 504, 506, 506(2) r/w 34 of IPC and Section 4(25) of Arms Act.</i>
<i>3.</i>	<i>Chatushrunghi</i>	<i>242/2021</i>	<i>Sections 324, 323, 504, 141, 143, 147, 148, 149, 188, 269, 427 of IPC and Section 37(1) r/w 135 of Maharashtra Police Act.</i>
<i>4.</i>	<i>Sangvi</i>	<i>169/2018</i>	<i>Sections 307, 504, 506 of IPC and Section 4(25) of Arms Act.</i>
<i>5.</i>	<i>Sangvi</i>	<i>317/2026</i>	<i>Sections 307, 324, 143, 147, 148, 149 of IPC and 4(25) of Arms Act.</i>
<i>6.</i>	<i>Sangvi</i>	<i>173/2015</i>	<i>Sections 307, 326, 337, r/w 34 and Section 4(25) of Arms Act.</i>
<i>7.</i>	<i>Sangvi</i>	<i>252/2016</i>	<i>Sections 324, 143, 147, 149 of IPC and 4(25) of Arms Act.</i>

8. Applicant, who was released on temporary bail in view of the COVID-19 pandemic, chose not to comply with the conditions of that bail and misutilized the liberty. During the period of temporary bail, Applicant is alleged to have committed an offence

punishable under Section 307 of the IPC. Applicant, though not entitled to liberty, enjoyed it until he was arrested in Crime No. 89 of 2023. These facts seriously affect Applicant's claim for bail.

9. Criminal antecedents of a similar nature, which, according to the prosecution, number 17, though the Applicant has referred to only 7, indicate the pattern of repeated offences committed by the Applicant. Antecedents of the Applicant indicate the Applicant being a habitual offender having no regards for law.

10. This itself would be a ground for declining any indulgence to the Applicant.

11. Earlier Bail Application No. 3191 of 2019, filed by the Applicant in the present Crime No. 169 of 2018, dated 03.04.2018, registered with Sanghvi Police Station, Pune, was not entertained by this Court (Order dated 25.02.2020 in Criminal Bail Application No. 3191 of 2019 at Exh. C, page no. 117).

12. This Bail Application No. 1306 of 2026 is hereby dismissed.

(ASHWIN D. BHOBE, J.)