

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 683 OF 2020

(Shaikh Sarfaraz Shaikh Aziz ..vs.. State of Maharashtra, through PSO, PS Ballarshah)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Naik, Counsel for the applicant,
Shri C.A. Lokhande, Addl.PP for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 28-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant, alongwith two others are facing trial for offences punishable under Sections 420, 465, 468 and 476 of the Indian Penal Code.

4. The applicant is in custody since 14-7-2018.

5. Shri A.A. Naik, learned Counsel would submit that the merits of the entitlement to bail apart, the co-accused are released on bail. In particular, Shri A.A. Naik, learned Counsel invites my attention to the order dated 09-6-2020 (Coram : Manish Pitale, J.) whereby co-accused Shaikh Sajjad is released on bail. While it is

noted in the order that the role attributed to co accused-Shaikh Sajjad is relatively minor, the order also proceeds to note that considering the prevailing situation due to the pandemic, there is no possibility that the trial will be completed within a reasonable period. Pertinently, vide order dated 11-2-2020, this Court had directed that the trial be completed within three months.

6. The applicant has indeed played the major role in the crime, going by the allegations in the charge-sheet. However, as submitted by Shri A.A. Naik, there is no minimum imprisonment prescribed and there is no possibility of expeditious completion of trial, as is noted by Shri Justice Manish Pitale while granting bail to co-accused.

7. In the prevailing situation, the applicant is entitled to bail.

8. The application is allowed.

9. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

10. Considering the prevailing circumstances, the surety shall be furnished within four weeks of the release.

11. The applicant shall attend Ballarshah Police Station every Saturday from 11-00 a.m. to 2-00 p.m.

12. The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

13. The applicant shall attend each date of hearing of the trial and shall not seek unnecessary adjournments.

JUDGE

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