

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 1880 OF 2021**

Mr. Shahbaz Ejaz Sayyed ... Applicant  
Vs  
The State of Maharashtra ... Respondent

...  
Ms. Hineel Borse, for the Applicant.  
Mr. Y. M. Nakhava, APP for Respondent-State.  
Mr. R. K. Shaikh, P.S.I., Mahatma Phule Chowk Police  
Station, Kalyan, present.

...

**CORAM : SANDEEP K. SHINDE J.**  
**DATE : 07<sup>th</sup> OCTOBER, 2021.**

**P.C. :**

. Heard.

2. The applicant was declined bail by this Court on 24<sup>th</sup> September, 2020 with liberty to renew the request for enlargement on bail, in case the trial does not commence on or before 31<sup>st</sup> December 2020. Pursuant to the liberty granted, the applicant has moved this application for bail.

3. Heard learned Counsel for the applicant and learned

Prosecutor for the State. Investigating Officer is present.

4. The prosecution case in brief is that, on 4<sup>th</sup> November 2018, the applicant and the co-accused Sameer Penkar attempted to cause death of the complainant, by causing knife blows on the vital part of his body. However, the injury certificate shows, stab injury was on mid thigh postero lateral aspect of size 4 x 5 cm. upto bone deep with muscle exposure. This shows the injury was not on vital part. The applicant came to be arrested on 17<sup>th</sup> January 2019. The trial has not yet commenced. The applicant has been incarcerated without trial for two years and nine months. On these grounds, the applicant is seeking bail.

5. Prosecution opposed the application contending that in past ten offences were registered against the applicant including, one offence under Section 307. While rejecting first bail application, this aspect (criminal past) was considered by this Court. However, since then, the prosecution has not taken any steps to cancel the bail granted to the applicant in past crimes, although crime in

question was committed by him while he was on bail, in earlier crimes.

6. It may be stated that till date the charge has not been framed and trial is not likely to commence in by near future. Yet by imposing the conditions, the applicant's presence, for the trial can be secured. Thus the following order.

ORDER

(a) The Applicant/Accused is arrested in Crime No.I-458 of 2018 registered with Mahatma Phule Chowk, Kalyan Police Station, be released on bail on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like sum;

(b) The Applicant shall report to the Investigating Officer of the concerned Police Station twice a month i.e. First and Second Monday of the each month commencing from October 2021 between 11:00 a.m. to 01:00 p.m. till further order and co-operate in the investigation.

(c) The Applicant shall not tamper with the

evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(d) The Applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

7. The application is accordingly allowed and disposed of.

8. It is made clear that, observations made herein above, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

**(SANDEEP K. SHINDE, J.)**