

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**931 CRIMINAL WRIT PETITION NO.900 OF 2022
WITH APPLN/2140/2022 IN WP/900/2022**

Iqbal Ahmed Kabir Ahmed,
Age : ____ years, Occu: ____
R/o. Parbhani
a/p. in Central Prison, Aurangabad
District Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through the Secretary,
Home Department, Mantralaya,
Mumbai.
2. The Superintendent of Police,
Anti Terrorist Squad
Nanded, Dist. Nanded.
3. National Investigation Agency,
through Superintendent of Police
4/4, 4th Floor, Mansoravar Building
Neharu Place, Delhi.
4. The Superintendent,
Central Jail, Aurangabad,
Dist. Aurangabad.

... **RESPONDENTS**

...

Advocate for Petitioner thr. Jail: Mr. Girish V. Wani (appointed thr. Legal Aid)
AGP for respondent Nos.1,2 and 4 : Mr. S.D. Ghayal
Assistant Solicitor General for Respondent No.3 : Mr. Ajay G. Talhar

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WITH

**932 CRIMINAL WRIT PETITION NO.901 OF 2022
WITH APPLN/2141/2022 IN WP/901/2022**

Md. Shahed Md. Khadar Ali Khan,
Age : ---- years, Occu:---
R/o. a/p. in Central Prison, Aurangabad
District Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through the Secretary,
Home Department, Mantralaya,
Mumbai.
2. The Superintendent of Police,
Anti Terrorist Squad
Nanded, Dist. Nanded.
3. National Investigation Agency,
through Superintendent of Police
4/4, 4th Floor, Mansoravar Building
Neharu Place, Delhi.
4. The Superintendent,
Central Jail, Aurangabad,
Dist. Aurangabad.

... **RESPONDENTS**

...

Advocate for Petitioner thr. Jail: Mr. Girish V. Wani (appointed thr. Legal Aid)
AGP for respondent Nos.1,2 and 4 : Mr. S.P. Tiwari
Assistant Solicitor General for Respondent No.3 : Mr. Ajay G. Talhar

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WITH
933 CRIMINAL WRIT PETITION NO.902 OF 2022
WITH APPLN/2142/2022 IN WP/902/2022

Mohd. Raisuddin Mohd. Siddique,
Age : ---- years, Occu:---
R/o. a/p. in Central Prison, Aurangabad
District Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through the Secretary,
Home Department, Mantralaya,
Mumbai.
2. The Superintendent of Police,
Anti Terrorist Squad
Nanded, Dist. Nanded.
3. National Investigation Agency,
through Superintendent of Police
4/4, 4th Floor, Mansoravar Building
Neharu Place, Delhi.
4. The Superintendent,
Central Jail, Aurangabad,
Dist. Aurangabad.

... **RESPONDENTS**

...
 Advocate for Petitioner thr. Jail: Mr. Girish V. Wani (appointed thr. Legal Aid)
 AGP for respondent Nos.1,2 and 4 : Mr. B.V. Virdhe
 Assistant Solicitor General for Respondent No.3 : Mr. Ajay G. Talhar

...
**CORAM : MANGESH S. PATIL AND
 ABHAY S. WAGHWASE, JJ.**

DATE : 11.10.2022

PER COURT :

We have heard Mr. Girish V. Wani who is appointed to represent the petitioners in all these three writ petitions as also the learned A.S.G. Mr. A.G. Talhar.

2. The petitions were registered *suo moto* on the basis of communications addressed by the respective petitioners from prison for their release. Pursuant to the appointment of Mr. Wani, he has drafted the petitions on behalf of the petitioners and has made following prayers :

- A) *Call for record and proceeding of this case;*
- B) *The applicant may kindly be released on Bail in connection with the First Information Report No.8/2016 under Section 13,16,18, 18B, 20, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967 (amended in 2008) so also under section 4,5 and 6 of the Explosive Act r/w 120-B of the Indian Penal Code.*
- C) *Pending hearing and final disposal of writ petition, grant interim bail to the petitioner in connection with the First Information Report No.8/2016 under Section 13,16,18, 18B, 20, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967 (amended in 2008) so also under section 4,5 and 6 of the Explosive Act r/w 120-B of the Indian Penal Code.*
- D) *Be please to take suitable action against the erring officers for illegal detention and appropriate compensation of such a illegal detention from the erring officer to the petitioner.*

- E) The applicant is in jail, the affidavit may kindly be dispensed with.*
- F) Pass any such and further order which is deem fit and proper for the present petitioners.*

3. It transpires that petitioner from the Writ Petition No.901/2022 Md. Shahed Md. Khadar Ali Khan and one more accused from the same crime, namely, Naser Bin Abu Bakar Yafai had approached the Supreme Court in Criminal Appeal Nos.1165/2021 and 1166/2021 seeking default bail under Section 167(2) of the Code of Criminal Procedure, the very same relief being claimed by the petitioners before us. By the common judgment and order dated 20.10.2021 in **Naser Bin Abu Bakar Yafai Vs. State of Maharashtra of Maharashtra and Anr.; (2022) 6 Supreme Court Cases 308**, various directions have been given by the Supreme Court but the bail has been refused.

4. The advocates are unanimous that since these petitions arise out of same crime and have been filed by three of the accused including the person who was also before the Supreme Court, these petitions need to be dismissed.

5. In view of the reasons given by the Supreme Court in the matter of **Naser Bin Abu Bakar Yafai** (supra) and in view of the joint request of the learned advocates, we dispose of the writ petitions.

6. Pending applications are disposed of.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)