

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1735 OF 2022

Sarfaraz Saifuddin Ansari .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. M.H. Jehagirdar for the applicant.
Ms. Veera Shinde, APP for the State.
PSI Vilas Tambe from Dindoshi police station.

CORAM: BHARATI DANGRE, J.
DATED : 12th SEPTEMBER, 2022

P.C:-

1. On 24/11/2021, the following order was passed:

“1 On an earlier occasion, Bail Application preferred by the applicant was rejected on 27th November 2017 by recording that the circumstantial evidence prima facie led to the involvement of the applicant in the concerned crime and since no case for bail was made out, the Application was rejected.

2 True it is, that after the application was rejected on 27/11/2017, there is no progress in the trial and the applicant remain incarcerated since 14/12/2015 and he would be completing 5 years of his incarceration. However, unless certain change in circumstances are pointed out, it is not open for me to consider the Application which already rejected by this Court on merits. However, since it is informed that the trial has not progressed and

even the charge is not framed, in case if the charge if not framed by 31st March 2022, the applicant is at liberty to approach this Court and press into service his long incarceration as the change in circumstances.i

Reserving the aforesaid liberty, Bail Application is dismissed.”

2. Today, the applicant still remain at the same stage, without the charge being framed. Without touching the merits of the matter, particularly when I had make it clear that long incarceration would itself be a ground for his release. Learned APP, admit that charge is not yet framed and prosecution has cited 40 witnesses. The culmination of the trial is not even in foresight. For seven years the applicant is detained without any progress in the trial. Without any comment on the merit of the matter, which would prejudice prosecution or the applicant, I deem it appropriate to release the applicant on bail by the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Sarfaraz Saifuddin Ansari shall be released on bail in connection with C.R.No. 911 of 2016 registered with Dindoshi Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

The applicant shall be released on provisional cash bail for a period of 6 weeks in lieu of sureties.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall attend the trial on regular basis

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(SMT. BHARATI DANGRE, J.)