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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.195 OF 2023**

GULZAR @ CHAND ADAM ALI SHAIKH ..APPLICANT
VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Husen Shaikh a/w Adv. Rumman Shaikh for the
Applicant.

Mr. P. H. Gaikwad, APP for the State.
PSI Jadhav, Ghatkopar Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail filed by the applicant in
connection with C.R. No.93 of 2015 registered with
Ghatkopar Police Station for the offence punishable under
Sections 302, 143, 144, 146, 149 and 323 of the Indian
Penal Code and under Section 37(1)(3) read with Section
135 of Bombay Police Act.

3. The applicant is the original accused no.3. The FIR was
lodged on 12.03.2015. The applicant was arrested on
13.03.2015. It is alleged that the applicant assaulted the

deceased-Imtiyaz @ Raju with a knife and killed him. There are eye witnesses to the incident. The application for bail was rejected by this Court on 31.07.2019. Since the trial had commenced the learned trial Court was requested to expedite the trial. The prosecution intended to examine 12-13 witnesses. Thereafter by an order dated 19.07.2021 the extension of six months time to conclude the trial was granted. By an order dated 25.03.2022 a request for extension of time was considered and 1 year time was granted to conclude the trial. Five witnesses have been examined and still 10-12 witnesses remain to be examined. Learned APP submitted that the trial is likely to conclude soon.

4. I do not see any possibility of trial concluding any time soon. There are no criminal antecedents reported against the applicant. The applicant is in custody almost for a period of 8 years and 5 months with the possibility of the trial concluding any time soon appearing to be remote in view of the report submitted by the concerned police station. It is not the contention that the trial is protracted

at the instance of the applicant. The applicant does not appear to be a flight risk. The applicant can therefore be enlarged on bail. The investigation is complete. The charge-sheet has been filed. Hence the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Gulzar @ Chand Adam Ali Shaikh in connection with C.R. No.93 of 2015 registered with Ghatkopar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the Investigating Officer of the Ghatkopar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant to attend the trial regularly.
- (e) 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.

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

(g) Till the conclusion of the trial the applicant shall not reside within the area of Mumbai and Mumbai Suburban district.

(h) It is made clear that in case of any breach of condition on the part of the applicant it is always open for the prosecution to move this Court for seeking cancellation of bail.

5. The bail application is disposed of.

(M. S. KARNIK, J.)