

Rabbi @ Asrar Ahmed Mustaq Siddiqui .. Applicant
Versus
State of Maharashtra and anr .. Respondents
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Mr.Shantanu Phanse i/b Ms. Ilsa Shaikh for the applicant.
Mr. Priyanka Chavan, for respondent no.2.
Mr. S.R. Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 7th NOVEMBER, 2023

P.C:-

1 The second bail application is filed by the applicants since despite a direction being issued on 18/10/2022, when he filed a bail application before this Court (Bail Application no. 2981 of 2021), it was directed that the charge shall be framed within period of three months and the trial shall be concluded within one year and liberty was also conferred to renew the request for being released on bail on the ground of long incarceration.

Admittedly, after expiry of period of one year, only one witness has been examined and the prosecution intend to examine around 14 to 15 witnesses. The applicant is incarcerated since 4/11/2019 and he cannot be further incarcerated as for no fault of his, the trial cannot be concluded.

Considering the number of witnesses to be examined, it shall consume some more time and since the co-accused Akhtar Mouiddin Sayyed is released on bail on the ground of long incarceration of 3 years and 3 months, I see no reason, why the similar relief shall not be granted in favour of the applicant.

Hence only on the ground of the long incarceration and failure of the Special Court to conclude the trial, despite a specific direction to conclude it in stipulated period, the applicant deserve his release on bail.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Rabbi @ Asrar Ahmed Mustaq Siddiqui, shall be released on bail in connection with C.R.No.I-425 of 2019 dated 04/11/2019, registered with Bhiwandi Taluka Police Station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall mark his attendance on first Monday of every month between 11:00 p.m to 01:00 p.m to the Bhiwandi Taluka Police Station.
- (d) The applicant shall not enter the area of Bhiwandi Taluka Police Station on being released on bail till the trial is concluded, except for attending the dates fixed by the trial Court and for the purpose of reporting to Investigating Officer.
- (e) The applicant shall provide his current address,

telephone number, place of residence and intimate about the change if any, to the concerned Investigating Officer.

(f) 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.

(g) It is made clear that any attempt on the part of the applicant to contact the victim will entail the consequence of the prosecution or the victim to apply for the cancellation of bail.

2 This Court would like to record the appreciation for advocate Ms. Chavan, who has represented the respondent no.2 and assisted the Court. The legal Services Authority is directed to make the payment of the legal remuneration being payable to Ms. Chavan, within period of 6 weeks from today.

(SMT. BHARATI DANGRE, J.)