

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO. 591 OF 2022**

Zishan @ Eshan Hamazaali Kureshi                      ...      Applicant  
Versus  
The State of Maharashtra and another                      ...      Respondents

.....

Mr. Ravindra Pachundkar for the Applicant.  
Mr. P.H. Gaikwad Patil, APP for the State.  
Mr. Swaraj Jadhav for Respondent No.2.

.....

**CORAM : N.R. BORKAR, J.**

**DATED : 19 JANUARY 2023**

**P.C. :-**

.                      This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2.                      The applicant came to be arrested in Crime No. 95 of 2014 registered at Pune Lohamarg Police Station, for the offence punishable under Sections 363, 366-A, 376-D, 302, 201 r/w. 34 and 120-B of Indian Penal Code and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

3.                      I have heard the learned Counsel for the applicant and the learned APP for the State.

4.                      The bail is sought on the ground of prolong incarceration as an undertrial.

5. The Division Bench of this Court on 3 March 2020 in Writ Petition No.6298 of 2019 passed the following order :

*“Prisoner seeks expeditious completion of the trial in Crime No. 95 of 2014.*

*2. Learned APP informs that the complainant and 8 witnesses are already examined and efforts are already on to complete the trial. We find that the Instructing Officer has not given even case number to the learned APP. We in this situation, expedite the trial and direct the Sessions Court, Pune to complete it within next six months.*

*3. Writ petition is accordingly allowed and disposed of.*

*4. This order be served upon the prisoner in jail.”*

6. The learned Counsel for the applicant submits that inspite of the above order there is no effective progress in the trial and till date the prosecution has examined only 10 witnesses. It is submitted that the applicant is in jail for about 9 years.

7. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Zishan @ Eshan Hamazaali Kureshi be released on bail in Crime No. 95 of 2014 registered at Pune Lohamarg Police Station, for the offence punishable under Sections 363, 366-A, 376-D, 302, 201 r/w. 34 and 120-B of Indian Penal Code and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

( N.R. BORKAR, J. )