



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 961 OF 2023

Yunus Jainuddin Sayyed

... Applicant

V/s.

The State Of Maharashtra

... Respondent

Mr. Ashish Raghuvanshi a/w Mr. Shailesh Kharat for Applicant.

Mrs. M. H. Mhatre, APP for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 21st SEPTEMBER 2023.

PC. :

1) This is a successive Application for bail by the Applicant.

The first Application preferred by the Applicant bearing Bail Application No. 1562 of 2017 was dismissed as withdrawn by an Order dated 3rd October, 2017 with liberty to file a fresh Application for bail before the trial Court, if trial arising out of C.R. No. 180 of 2016 registered with Wakad Police Station, Pune city culminated in Sessions Case No. 466 of 2016 does not commence within a period of one year from the date of passing of the said Order. As the trial did not commence within stipulated period, the Applicant had filed second Application bearing Bail Application No. 1102 of 2018. The said Application was also dismissed as withdrawn.

2) Learned Advocate for Applicant submitted that, in the present case Applicant has been arrested on 8th July, 2016. That, the charge is framed in the year 2018 and thereafter not a single witness has been

examined by the prosecution in last about four and half years. He submitted that, the Applicant is in jail for about eight years and two months without trial and therefore he may be released on bail on the ground of prolonged incarceration without trial.

3) The facts noted here-in-above are admitted facts on record.

After applying the principles enunciated by the Hon'ble Supreme Court in the case of *Union of India V/s. K. A. Najeed reported in (2021) 3 SCC 713*, followed by this Court in the case of Anil Shankar Patil V/s. The State of Maharashtra (Bail Application No.33 of 2022, dated 29th July, 2022), this Court is of the view that, the Applicant can be released on bail on the ground of prolonged incarceration without trial.

4) Hence, the following Order:-

- (i) Applicant be released on bail in C.R. No. 180 of 2016 registered with Wakad Police Station, Pune City culminated in Sessions Case No. 466 of 2016 on his furnishing PR. bond of Rs.50,000/- with one or two local sureties to make up the said amount.
- (ii) Before release of Applicant on bail, the trial Court shall get documents of surety/sureties verified from the local Police Station.
- (iii) After his release from jail and during the pendency of the trial, the Applicant is directed to attend Wakad Police Station, Pune City on every first and third Monday of the

month between 10.00 a.m. and 12.00 noon initially for a period of one year and thereafter on every first Monday of every month between 10.00 a.m. and 12.00 noon.

- (iv) After his release from jail, the Applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court on medical ground.
 - (v) Applicant shall provide his mobile and/or landline number, if any, to concerned Police Station.
 - (vi) In case of any two consecutive defaults in marking presency as per the direction in clause Nos.(iii) and/or (iv) in that event, the State will be at liberty to file an Application for cancellation of bail of Applicant.
 - (vii) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- 5) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)