



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1222 OF 2023

Mohd. Isakh Din Sayyad	..Applicant
VS.	
The State of Maharashtra and Anr.	..Respondents

Mr. Dheeraj Panchange for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 22, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in connection with First Information Report (FIR) No.355 of 2016 registered with Mahatma Phule Chowk Police Station, for the offences punishable under Sections 376, 506 of the Indian Penal Code, 1860 (IPC).
- 3.** Learned APP opposed the application contending that the applicant is involved in a serious offence. The applicant is arrested on 09/09/2016 and now is in custody for almost 7 years. The applicant is the father of the

complainant/victim. It is alleged that after the complainant's marriage and during her pregnancy when the complainant came to reside at her matrimonial home, the applicant committed the act with her which is an offence punishable under the aforesaid sections. The trial has commenced and the complainant has been examined.

4. Since the deposition of the complainant is recorded, the question of tampering with the material witness now does not arise. It is submitted that only one witness has been examined so far and the trial will take a long time to conclude. The applicant is in custody for almost 7 years. In view of the long incarceration and as there is no possibility of the applicant's absconding, I am inclined to enlarge the applicant on bail. No criminal antecedents are reported against the applicant. Hence, the following order.

ORDER

(a) Applicant-Mohd. Isakh Din Sayyad shall be released on bail in connection with FIR No.355 of 2016 registered with Mahatma Phule Chowk Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

(b) 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;

(c) 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;

(d) The applicant shall report to the Investigating Officer as and when called;

(e) The applicant shall attend the trial Court regularly;

(f) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of the Mahatma Phule Chowk Police Station till the conclusion of the trial;

5. The application is disposed of.

(M. S. KARNIK, J.)