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

BAIL APPLICATION NO.2882/2021

JAHID AMIRMIYA GORE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. R. G. Gadgil a/w. Adv. U. Tambavala for the applicant.
Mr. S. H. Yadav, APP for State.
API S. J. Patil, Manpada Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of First Information Report (FIR) No.I-570/2013 registered with Manpada Police Station, for the offence punishable under Sections 394, 397, 452, 411 read with 34 of the Indian Penal Code, 1860.
- 3.** The applicant was arrested on February 10, 2014 and since then he is in jail. By an order dated April 8, 2019, the bail application preferred by the applicant was rejected.

However, considering the period of long incarceration, the trial Court was requested to expedite the trial and to make an endeavour to conclude the same on or before December 15, 2019. It is pointed out that the trial has not proceeded. I am informed that even the charge is not framed.

4. The reason why this Court rejected the application on April 8, 2019 is that the applicant is involved in 17 other crimes of similar nature and is a habitual offender on the record of the police. The applicant was granted bail in some other offences and when on bail he had committed the present crime.

5. *Prima facie*, from the application it appears that during the course of the alleged robbery there are no allegations of voluntary hurt being caused to the complainant. The punishment for the offence of robbery is imprisonment for a term which may extend to 10 years. As the applicant is in custody for almost 8 years and 11 months, the applicant can be released on bail. The criminal antecedents against the applicant need to be balanced by the period of long incarceration of the applicant in jail with some added

weightage to the fact that even after the trial was to be concluded by December 15, 2019, the same has not proceeded. It is not the case that the applicant is responsible for protracting the trial. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant–Jahid Amirmiya Gore in connection with FIR No.I-570/2013, registered with Manpada Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall not leave the area of Thane District till the conclusion of the trial without leave of the trial Court. He shall attend the dates fixed for trial regularly.
- (d) The applicant shall report to the concerned police station once in every 15 days, between 11.00 a.m. and 1.00 p.m., on every first and third Saturday of the month.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

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

6. The application is disposed of.

(M. S. KARNIK, J.)