



Diksha Rane

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

BAIL APPLICATION NO.2015/2023

SAYYAD ZUBAIR MUJAMIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aijaz Sayyed i/b. Adv. Nitin Satpute for the applicant.
Ms. Veera Shinde, APP for the State.
API Chaudhary, Akuj police station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 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 the offence punishable under Sections 363, 366, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 20/2/2023 vide C.R. No.97/2023 with Akuj Police Station, Taluka-Malshiras, District Solapur (Rural).
- 3.** The applicant is the accused no.1. On 15/2/2023, a missing complaint was filed by the informant about his sister. It is alleged that the accused nos.2 and 3 on the say

of the applicant/accused no.1 had taken the informant's sister with a view to marry her in a Swift Dzire Car owned by the accused no.2. The accused nos. 2 and 3 dropped the informant's sister on 15/2/2023 at her friend's house residing at Akurdi, Pune.

4. Learned APP opposed the application for bail.

5. I have gone through the statements of the victim as well as her friend 'S'. The applicant at the relevant time was 21 years of age. Learned counsel for the applicant submitted that there was a love affair between the applicant and the victim. *Prima facie*, there appears to be some substance in the submission of learned counsel for the applicant. The applicant is in custody from 20/2/2023, almost for a period of seven months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk.

6. Looking at the age of the applicant and in the facts and circumstances of the present case, a case for enlargement of the applicant on bail is made out. Any

further incarceration will only be by way of a pre-trial punishment. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sayyad Zubair Mujamil in connection with C.R. No.97/2023 registered with Akluj Police Station, Taluka-Malshiras, District Solapur (Rural), shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Akluj police station once in three months on every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing November, 2023 till further order of the trial Court.
- (e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of the Akluj Police Station, Taluka-Malshiras, District Solapur (Rural) after being released on bail, till the trial concludes and till further orders.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his/her passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)