

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

***INTERIM APPLICATION NO. 3065 OF 2023
IN
CRIMINAL APPEAL NO. 572 OF 2019
WITH
CRIMINAL APPEAL NO. 572 OF 2019***

Jahir Abdul Sabirali Sayyad

...Applicant/Appellant

Versus

The State of Maharashtra

...Respondent

Mr. S. T. Pandey a/w Mr. Arvind Singh, Ms. Anima Mishra and Ms.
Ritu Singh i/b SBG Law for the Applicant/Appellant

Ms. P. P. Shinde, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
MONDAY, 11th DECEMBER 2023**

P.C. :

1 This is the second bail application preferred by the
applicant, seeking his enlargement on bail, pending the hearing
and final disposal of his appeal.

2 The first bail application of the applicant was rejected on merits by this Court (Coram : Ranjit More & Surendra P. Tavade, JJ.) vide order dated 28th January 2020 passed in Interim Application No. 1/2019 filed in Criminal Appeal No.572/2019. The said order is on merits. The said order was confirmed by the Apex Court vide order dated 30th May 2022, however, liberty was granted to the petitioner to approach this Court, in the event, the appeal was not heard within one year from the date of the order. Pursuant thereto, the aforesaid interim application has been filed. Since both the Judges who rejected the first bail application have since retired, we have taken up the aforesaid application for hearing.

3 The incident in question has taken place on 3rd November 2014 at about 1:15 p.m to 1:30 p.m, in the house of the deceased. In the said incident, the applicant assaulted the deceased. The said incident is witnessed by PW 2-Soleha Khan, sister of the deceased-Sabrin. The applicant assaulted the

petitioner with a knife. PW 3-Arif Khan (father of the deceased) held the applicant's hand and snatched the knife from his hand and threw it from window.

4 Considering the evidence, this is not a fit case to enlarge the applicant on bail. Hence, Interim Application No. 3065/2023 is rejected and as such, stands disposed of.

5 Since the applicant is in custody for about 9 years, list the aforesaid appeal at the end of the admission board for final disposal on **11th January 2024**.

GAURI GODSE, J.

REVATI MOHITE DERE, J.