

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

CRIMINAL BAIL APPLICATION NO. 3895 OF 2023

Nadim Salim Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Aniket Vagal a/w Mr. Kunal Pednekar, Mr. Divesh Mahani, Ms. Sarvy Kolhekar, Advocate for the Applicant.

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

CORAM : PRAKASH D. NAIK, J.
DATE : 21st DECEMBER, 2023

P.C.:

1. The Applicant is seeking bail in connection with C.R. No.172 of 2018 registered with Manmad Police Station, District Nashik for offences punishable under Sections 302, 120(B), 307, 324, 323, 452, 143, 147, 148, 149, 504, 427 r/w. 34 of Indian Penal Code, 1862 (for short 'IPC') and under Section 7-A of Criminal Law Amendment Act, 1995 and under Section 4(25) of Arms Act.

2. The case of the prosecution is that, on 25th September, 2018, one Iliyas Sayyed and others hatched conspiracy and called the Applicant and other Accused at Ekta Nagar. The Accused armed with weapons such as sticks, chopper, rod, iron pipes and sword, created terror at Ekta Nagar, caused damage to the vehicles and

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assaulted complainant's husband. He died during medical treatment. The First Information Report (for short 'FIR') was lodged on 25th September, 2018. On completing investigation, charge-sheet is filed.

3. The Applicant had preferred Criminal Bail Application No.1090 of 2023 before this Court. The said Application was rejected vide Order dated 22nd June, 2033. However, liberty to prefer fresh Application for bail was granted, in the event the trial is not concluded within six months.

4. Learned Advocate for the Applicant submitted that the Applicant is in custody from 12th October, 2018. the charge was framed on 10th June, 2023. No witnesses are examined by the prosecution. The prosecution relies upon evidence of 66 witnesses. The trial is being delayed. The complainant had made an Application for appointment of Special Public Prosecutor. There is no Public Prosecutor in the case. Several persons were arrested. 21 persons are on bail and 14 persons are in custody. Co-accused Insmam Salim Sayyed is granted bail by this Court vide Order dated 2nd February, 2023. Bail was granted to him on the ground of mistaken identity. Another Accused Iliyas Ismail Sayyed is granted bail by this Court vide Order dated 15th November, 2021, on the

ground that no overtact was attributed to the said Accused.

5. Learned APP submitted that there is sufficient evidence against the Applicant. The previous Application for bail preferred by Applicant were rejected vide Order dated 24th February, 2020, 30th July, 2021 and 22nd June, 2023.

6. It is not disputed that the prosecution has not examine any witness about 21 persons are on bail. The Applicant is in custody for 5 years. Liberty was granted to the Applicant to prefer fresh Application for bail. In the event, the trial is not concluded within 6 months. Vide Order dated 22nd June, 2023, there no chances of trial getting concluded shortly. The prosecution relies upon statements of about 66 witnesses. Considering this circumstances, case for grant of bail is made out.

ORDER

- i. Criminal Bail Application No.3895 of 2023 is allowed;
- ii. The Applicant is directed to be released on bail in connection with C.R. No.172 of 2018 registered with Manmad Police Station, Nashik on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- iii.** The Applicant shall report concerned Police Station once in a three months on every first Saturday of the month between 11:00 am to 2:00 pm till further orders.
- iv.** Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)