

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

**CRIMINAL BAIL APPLICATION NO. 598 OF 2024**

Jafar Musa Sayyad

...Applicant

Versus

State Of Maharashtra

...Respondent

....

Mr. Divesh Mehani a/w Mr. Kunal Pednekar, Adv. Savvy Kolhekar i/by  
Mr. Aniket Vagal, Advocate for the Applicant.

Mr. V.A. Kulkarni, APP for the Respondent – State.

Mr. Dattatraya Landge, PSI, Mandmand City Police Station, Nashik.

....

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 18<sup>th</sup> MARCH, 2024.**

**P.C.:**

1. This is a second application for bail. The previous application was rejected by this Court vide Order dated 17<sup>th</sup> February, 2020.

2. The Applicant was arrested on 26<sup>th</sup> September, 2018 in connection with C.R. No.I-172 of 2018 registered with Manmad City Police Station, Tal. Nandgaon, Dist. Nashik for offences punishable under Sections 302, 120-B, 307, 324, 323, 452, 143, 147, 148, 149, 504, 506, 427 r/w 34 of Indian Penal Code (for short 'IPC').

SUNNY  
ANKUSHRAO  
THOTE  
Digitally signed  
by SUNNY  
ANKUSHRAO  
THOTE  
Date:  
2024.03.20  
18:00:27 +0530

3. The prosecution case is that the deceased Sameer @ Papa Noor Shaikh was a Tea vendor at Manmad Railway Station. There was enmity between the nephew of the deceased and Ilias Sayyed, Irfan Sayyed, Imran Sayyed, and Ismail Sayyed over Tea vending business at Manmad Railway Station. On 20<sup>th</sup> September, 2018 at about 11:35 p.m. altercation took place between the parties. On 25<sup>th</sup> September, 2018 at about 10:00 p.m., Irfan, Imran Washim Bambaiwala, Jamir Sayeed entered into the house of the complainant and abused her. They dragged her husband out of the house. Irfan Sayyed, Imran Sayyed, Wasim Bambaiwala, Raju Sayyed, Ajuu Sayyed, Samir Sayyed, Jamir Sayyed, Khalil Sayyed, Amajad Khan Karim Khan, Iqbal Tirewala, Jafer Sayyed, Salim Sayyed, Imran Khan Karim Khan, Soyeb Habib Shaikh, Bhaiya Salim Sayyed, Nadim Seth and 15 to 20 other persons who were armed with sticks, wooden logs, swords, chopper, iron pipe and rod. All of them assaulted the complainants husband by weapons on his head and legs. Complainants nephew Arbaj Shaikh intervened, however he was assaulted by wooden logs and iron rod. The Accused also caused damage to the property. They assaulted the people from the area caused damage to the vehicles. They created terror in the area. Thereafter, they ran away from the place of incident. Hence, the FIR was lodged on 26<sup>th</sup> September,

2018.

4. Learned Advocate for the Applicant submitted that the Applicant is in custody for a period of five years and six months. There is no progress in the trial. The Applicant cannot be detained in custody for indefinite period. Although the charge is framed on 8<sup>th</sup> June, 2022, not a single witness has been examined. Several other Accused who are attributed similar overtact has been granted bail by this Court. Except Applicant and Accused No.12 all the other Accused are released on bail.

5. Learned APP submitted that this is a second application for bail. Previous application was rejected by this Court. The offences is of serious nature. Charge is framed. The trial would commence in due course of time. He strongly objected for grant of bail. Hence, this Application may be rejected.

6. Undisputedly, the Applicant is in custody for a period of about five and half years. The co-accused Nadim Salim Shaikh was granted bail by this Court vide Order dated 21<sup>st</sup> December, 2023. Accused Khalil Musa Sayyed was granted bail by this Court vide Order dated 17<sup>th</sup> January, 2024. While granting bail the fact that the said Accused were in custody for a period about five years was taken into consideration. It was also noted that the prosecution has

not examined any witnesses and about 21 persons are on bail. The prosecution is relying upon 66 witnesses. Subsequently, Coordinate Bench granted bail to the co-accused Imran Ismail Sayyed vide Order dated 1<sup>st</sup> February, 2024 and the other Accused namely Iqbal Rajjak Shaikh, Samir Khalil Sayyed, Jamir Khalil Sayyed, Amjad Khan Karim Khan, Imran Khan Karim Khan, Raju Nisar Sayyed, Irfan Ismail Sayyed, Azhar @ Ajju Nisar Sayyed were granted bail vide separate Orders dated 29<sup>th</sup> February, 2024. They were admitted to bail on the ground, that they were in custody for more than five years.

7. Learned Advocate for the Applicant fairly submitted that the Applicant has one antecedent under Sections 324, 143, 147, 148, 149, 323 of IPC.

8. Considering that Applicant is in custody for substantial period of time and there is no progress in trial. The Applicant is entitled to be released on bail on the ground of parity.

### **ORDER**

- i. Criminal Bail Application No.598 of 2024 is allowed;
- ii. The Applicant is directed to be released on bail in connection with C.R. No.I-172 of 2018 registered with Manmad City Police Station, Tal. Nandgaon, Dist. Nashik on

executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

**iii.** The Applicant shall attend the Investigating Officer of Mamand Police Station once in a month every first Monday of the month between 11:00 a.m. and 1:00 p.m.

**iv.** 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 fact to Court or any Police Officer. The Applicant shall not tamper with evidence.

**v.** 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.

**vi.** Except for attending the trial and for the purpose of reporting to the Investigating Officer, the Applicant shall not enter the area of Nashik District after being released on bail, till the trial concludes.

**vii.** The Applicant shall attend the trial regularly. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**viii.** Application stands disposed off accordingly.

**(PRAKASH D. NAIK, J.)**