

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1352 OF 2024

Salman Kayyum Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Ayush Pasbola i/b Mr. Prajyot Shrivastava for Applicant.
- Mr. Sukanta A. Karmakar, APP for State.

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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 07, 2025

P.C.:

1. Heard Mr. Pasbola, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Mr. Karmakar, learned APP for the State would draw my attention to the previous order in this Criminal Bail Application. This Application has been on record of this Court for the past 8 months. He would submit that orders have been passed by the Court. When the matter was heard previously on 11th December, 2024, it was informed by the learned APP that 12 witnesses are yet to be examined.

3. Today, when matter has reached before me, on taking instructions Mr. Karmakar, learned APP would submit that prosecution desires to examine 12 more witnesses for which summons have been taken out. Considering the fact the Applicant has several antecedents,

prima facie I am giving the benefit of doubt to the prosecution to show me the progress in the trial. It is primarily in view of the fact that the Applicant is incarcerated since 08.12.2020 for the offence punishable under Sections 302 r/w 307 and provisions of Arms Act. Weapon in question involved is a sword.

4. Mr. Pasbola would persuade me to consider the dichotomy in the statements of witnesses which have been recorded to consider the role of the Applicant. However, considering the fact that the Trial is underway and has progressed so far and the antecedents of the Applicant, I would not be inclined to consider the request made by Mr. Pasbola.

5. Mr. Pasbola additionally would submit that considering the inordinate delay in the trial that would take place this Court may impose absolute stringent conditions of keeping the Applicant outside the territorial jurisdiction as deemed fit by the Court. His such request shall be considered on the next adjourned date.

6. The learned APP shall inform the status of trial by the next adjourned date on which date this Application shall be disposed of.

7. Stand over to **4th February, 2025.**

[MILIND N. JADHAV, J.]