

VRJ

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

BAIL APPLICATION NO.5258 OF 2024

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2025.07.07
18:52:26 +0530

Faizuddin Shaikh Alias Faij Alias Aligarh

Jamaluddin Bilal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Amrish Salunke with Durgesh Pandey, Shraddha Shinde, Tanvi Gaikwad and Mirza M. Baig for the applicant.

Ms. Mahalakshmi Ganapathy, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : JULY 7, 2025

P.C.:

1. The present application is a second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No. 16 of 2022 registered with DCB CID Unit 5 (corresponding to C.R. No. 67 of 2022 registered at Dharavi Police Station, Mumbai). The applicant is charged with serious offences punishable under Sections 302, 307, 120-B, 201, and 34 of the Indian Penal Code, 1860, and also under Sections 3, 4, 25 and 27 of the Arms Act.

2. The case of the prosecution, in brief, is that one Mohd. Shakil Shamsuddin Shaikh lodged a complaint on 12th February

2022. Based on the said complaint, the applicant was arrested on 23rd March 2022 by Dharavi Police Station. The allegations are that accused Nos. 1 to 9 were part of an organised criminal group, and accused No. 8 is said to be the head of a criminal syndicate known as K' Company, which is allegedly active in the Dharavi area. It is further alleged that accused No. 1, Shamshunisha, was engaged in the illegal narcotic drug trade, and the deceased used to object to such activities and used to inform the police. Out of this grudge, Shamshunisha, in connivance with accused No. 8 and others, conspired to eliminate the deceased. It is alleged that funds were arranged to commit the murder, and as per directions of accused No. 8, the accused No. 2 and others executed the murder of Amir Khan. Thereafter, the accused were arrested and the crime was registered under the aforesaid sections.

3. The learned advocate for the applicant submitted that the specific role attributed to the present applicant is only of supplying the weapon which was allegedly used in the offence of firing upon the deceased. He placed reliance on an earlier order dated 18th April 2024, passed in Bail Application No. 248 of 2024, whereby this Court had granted liberty to the applicant to file a fresh bail application after six months, in the event there was no substantial progress in the trial. It is submitted that despite passage of time, even charge has not yet been framed. The prosecution has cited 64 witnesses, and hence, the trial is likely to take considerable time. On these grounds, it is argued that the applicant deserves to be released on bail.

4. On the other hand, the learned APP opposed the bail

application. She invited my attention to the material placed on record, especially a photograph and other supporting material, which allegedly show that the applicant had travelled to Aligarh prior to the incident to procure the weapon used in the crime. According to the prosecution, this act shows active participation and prior knowledge of the planned offence. The learned APP also pointed out that the applicant has four past criminal cases to his discredit, indicating a criminal background. She, therefore, contended that the present application does not merit any relief and deserves to be rejected.

5. I have considered the submissions of the learned counsel for the applicant and the learned APP. I have also perused the earlier order dated 18th April 2024, passed in Bail Application No.248 of 2024, whereby liberty was granted to the applicant to renew his prayer for bail after six months, if the trial does not progress substantially. It is an admitted position that till date even charge is not framed. The prosecution has cited 64 witnesses, and looking to the volume of evidence and number of accused, it is likely that the trial may take a considerable time for conclusion.

6. The applicant has been in custody since 23rd March 2022, and more than two years have passed. The role attributed to the applicant is limited to procurement and supply of weapon, and he is not the person alleged to have actually committed the act of firing or murder. While the allegations are serious in nature and require full trial, the applicant cannot be kept in custody for an indefinite period, especially when the trial is not progressing.

7. The apprehension of the prosecution regarding past antecedents and possible involvement in further offences can be taken care of by imposing stringent conditions while granting bail.

8. In the above circumstances, and considering the liberty granted in the earlier order, and in absence of any substantial progress in trial, this Court is of the opinion that continued incarceration of the applicant is not justified.

9. Hence, the following order is passed.

10. The applicant Faizuddin Shaikh Alias Faij Alias Aligarh Jamaluddin Bilal is directed to be released on bail in connection with Crime No.16 of 2022 registered with DCB CID Unit 5 (Corresponding C.R. No.67 of 2022, Dharavi Police Station), Mumbai for offences punishable under Sections 302, 307, 120(b), 201, 34 of the Indian Penal Code, 1860; and Sections 3, 4, 25 and 27 of the Indian Arms Act, on executing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or more sureties in the like amount, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- c) The applicant shall report to the Dharavi Police Station on the 1st and 15th day of every month between 10.00 a.m. and 12.00 noon, until further orders.
- d) The applicant shall not enter the jurisdiction of Dharavi

Police Station except for the purpose of reporting as directed above

e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

f) The applicant shall not indulge in any criminal activity during the pendency of the trial.

11. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)