

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1586 OF 2025**

Abu Salem Abdul Qayoom Ansari

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Rishi Malhotra, Senior Advocate a/w Ms. Farhana Shah, Mr. Shivaansh Maini, Ms. Darshana V. Gunjan, Mr. Yatish Desale, Ms. Amna Khan, Mr. Omar Shah and Adv. Farha Qureshi for Petitioner.

Ms. M.M. Deshmukh, A.P.P. for Respondent Nos. 1 to 3- State.

Mr. Anil Singh, Senior Advocate – ASG a/w Mr. Aditya Thakkar, Mr. Shreeram Shirsat, Ms. Vilasini Balsubramanian, Mr. Shekhar V. Mane, Ms. Antara Kulkarni, Mr. Nikhil Daga, Mr. Aadesh Vyas, Ms. Ruchita Varma and Mr. Rama Gupta for Respondent No.4- UOI.

Mr. Kuldeep Patil a/w Ms. Sanika Joshi for Respondent No.5-CBI.

Officer :- Ms. Suvarna J. Chorge, Jailor Gr-II, Nashi jail, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 7th July 2025.

P.C. :

1) Heard.

1.1) Arguable questions are raised.

2) Admit.

3) The Hon'ble Supreme Court in para No.54 of its judgment in *Abu Salem Abdul Kayyum Ansari Vs. The State of Maharashtra reported in 2022 ALL MR (Cri) 3051 (S.C.)*, has reckoned the date of arrest of Petitioner

as 12th October 2005. It is further observed that, 'on the Appellant completing 25 years of sentence, the Central Government is bound to advice the President of India for exercise of his powers under Article 72 of the Constitution and to release the Appellant in terms of the national commitment as well as the principle based on comity of Courts'.

3.1) *Prima facie*, it appears that, said period of 25 years is yet to be completed including the alleged period of pre-trial detention or incarceration.

3.2) Hence, no interim relief.

4) The Superintendent of Nashik Central Jail is directed to file his detailed reply to the Petition within a period of four weeks from today.

5) Hearing expedited.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)