

AGK

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

BAIL APPLICATION NO.410 OF 2025

Mehfuj Maksood @ Sonu Ansari	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Maitrayee A. Gadhave for the applicant.

Mr. Prasanna P. Malshe, APP for the respondent-State.

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CORAM : AMIT BORKAR, J.

DATED : JULY 8, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Criminal Procedure Code, 1973, seeking regular bail in connection with Crime Register No.153 of 2018, registered at Bhiwandi Taluka Police Station. The applicant is accused of having committed an offence punishable under Section 302 of the Indian Penal Code, 1860, i.e., murder.

2. The brief facts of the prosecution case are as follows: The informant is the real brother of the deceased, Usman. As per the informant's version, on 29th May 2018 around 8:00 p.m., his brother Usman had gone for work at Aperial Sairaj Company, Krupa Industries, located in Sonale. On the next day, i.e., 30th May 2018 at about 4:00 a.m., the informant's mother, Ruksanabano, had gone near Sheetala Kirana Shop to fetch milk. There she informed the informant that around 3:00 a.m., one Sony @

Mehfooj Maksood Ahmed Ansari had allegedly assaulted Usman with a sharp-edged weapon following some quarrel. Further, it was informed that the workers of the company had brought injured Usman to the area near the said Kirana shop. The informant immediately rushed to the spot and found his brother in an injured condition, bleeding from multiple wounds. With the help of his friend Subrati Shaikh, the informant took Usman to Indira Gandhi Hospital on a motorcycle, where the medical officer declared him dead on arrival.

3. The learned Advocate appearing for the applicant submitted that the applicant was arrested on 30th May 2018 and since then has been in custody. Although the charges have been framed, the trial has not commenced till date. It was further pointed out that the prosecution has cited as many as 32 witnesses, and therefore, the completion of trial is not likely to happen in the near future. It was also submitted that the applicant has no past criminal record. Relying on these circumstances, it was prayed that the applicant deserves to be released on bail.

4. On the other hand, the learned APP opposed the bail plea. He submitted that the prosecution's case is supported by direct evidence, and there is an eye-witness to the incident whose testimony is credible and reliable. It was further submitted that although the charge-sheet mentions 32 witnesses, the prosecution may restrict itself to examining 22 witnesses only, and hence, the trial can be expedited. On these grounds, it was urged that the bail application be rejected.

5. I have carefully perused the material placed on record, including the charge-sheet and statements of the witnesses. Prima facie, the case of the prosecution is based on direct evidence and an eye-witness account. However, the applicant has been in custody since 30th May 2018, which is more than six years. Though charges have been framed, the trial is yet to commence. Even if the number of witnesses is curtailed to 22, as suggested by the learned APP, the time likely to be consumed for recording evidence and completing the trial appears to be considerable. There is no material placed on record to show that the applicant has any criminal antecedents or that he poses a threat to the witnesses or the trial process.

6. In these circumstances, continued incarceration of the applicant, without commencement of trial for an indefinite period, would amount to denial of his fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India. The right to a speedy trial is part of fair trial, and when such trial is indefinitely delayed despite the accused being in custody for long years, it justifies the grant of bail, especially in the absence of any allegation of misuse of liberty.

7. Considering the overall facts, particularly the prolonged custody of the applicant without progress in trial, and balancing the interest of justice, this Court is of the opinion that the applicant has made out a case for grant of regular bail.

8. Hence, following order is passed:

- i) The bail application is allowed;

- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.153 of 2018 registered with Bhiwandi Taluka Police Station for offences punishable under Section 302 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
- a) The applicant shall report the Bhiwandi Taluka Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)