

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1131 OF 2025

Anas Afsar Sayyed	.. Applicant
Versus	
The State Of Maharashtra	.. Respondent

-
- Mr. Ravi Dwivedi a/w Mr. Sainath S. Baji, Mr. Satish Shukla and Mr. Aditya Gole, Advocates for Applicant.
 - Ms. Savita M. Yadav, APP for State.
 - PSI – Saudagar N. Shinde, Byculla Police Station.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 21, 2025

P. C.:

1. Heard Mr. Dwivedi, learned Advocate for Applicant and Ms. Yadav, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 146 of 2018 registered with Byculla Police Station for the offence punishable under Sections 302, 324, 323, 143, 144, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 and Section 37(1) (a), 135 of the Bombay Police Act, 1951.

3. In all there are total 5 accused persons involved in the present crime. Applicant was arrested on 3rd July, 2018 and is in incarceration for the past 6 years 8 months and 18 days. The only reason which impels me to consider this Application is the order dated

20th March, 2024 appended at page No.213 of the Application. That order was passed in the previous Bail Application of the Applicant while rejecting the same this Court recorded the submission of the prosecution that trial will be completed very soon.

4. Ms. Yadav, learned APP would oppose the grant of bail on two grounds. She would submit that trial has been completed and the matter has been kept for recording of statement under Section 313 before the trial Court. She would therefore persuade the Court that if the Court is inclined to give one more month to the prosecution the trial would be concluded. Such Application made by Ms. Yadav ought to have been made by the prosecution at the time of culmination of three months from the date of the previous order dated 20.03.2024.

5. Long incarceration of the Applicant for 6 years 8 months and 18 days persuades the Court to consider the case of the Applicant. 4 out of the 5 accused have already been enlarged on bail. In that view of the matter, Applicant has made out a case for grant of bail in view of his right to speedy trial, justice and personal liberty enshrined under Article 21 of the Constitution of India.

6. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or

two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments,

if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

7. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

8. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]