HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1288 OF 2025

Mohammad Shamim Mohd Jamil Ansari .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. A. R. Bukhari, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Mr. Bukhari, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Applicant is indicted under Section 302 of the Indian Penal Code, 1860. Date of incident is on the intervening night of 01.12.2014. Some time in the night deceased left his house to attend to his work as he was working in a power loom in Bhiwandi. He did not return thereafter but father of deceased – victim received a phone call from an anonymous person informing him that deceased - victim was being assaulted by a group of persons who were working with him. The father rushed to the aid of the deceased – victim and found him having been inflicted with a knife blow on his neck and he was bleeding profusely. He was moved to the hospital but on the following day at about 01:35 pm deceased – victim succumbed to his injuries.

3. Mr. Bukhari would submit that despite long incarceration for a period of 9 years 9 months the trial in the case has not commenced. He would submit that charge has been framed but prosecution has not commenced with the trial. He would persuade the Court to consider long incarceration of Applicant pending trial and release the Applicant on bail.

4. He would submit that from the prosecution case it could be seen that deceased and Applicant were not known to each other and deceased was in fact robbed on the intervening night of 01st December, 2014 when he had gone out and a scuffle had ensued at that time which escalated in to a fight and resulted in the incident in question.

5. Mr. Dedhia, learned APP enters appearance on behalf of Respondent. Learned APP shall take appropriate instructions on the status of trial and accordingly inform the Court on the next adjourned date. Considering the humongous period long incarceration of Applicant of close to 10 years in prison pending trial and trial not having commenced as informed by the learned Advocate for Applicant, the present Application shall be heard and decided on the next adjourned date which shall be noted by prosecution.

6. Stand over to **03rd April, 2025**. To be placed on the '**Supplementary Board**' under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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