

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1447 OF 2025

Gufran Mohammed Arif Shaikh

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Rushabh Vidyarthi, Advocate for Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for Respondent - State

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2025

P. C.:

1. Heard Mr. Vidyarthi, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for Respondent - State.

2. Applicant stands indicted for the offences punishable under Sections 363, 364-A, 365, 327, 324, 328, 506, 120-B of IPC and Section 37(1) of the Bombay Police Act, 1951. He is arrested on 06.08.2018 and as on today he has been in incarceration for the period of 6 years 8 months and 6 days, pending trial.

3. Applicant is seeking parity for enlarging him on bail on the ground of his long incarceration. This is undoubtedly a humongous period of incarceration pending trial and deserves to be considered. It is submitted that 2 out of the 5 accused persons are still incarcerated in prison whereas 3 have been released on bail. The chief conspirator of the crime namely i.e. the lady who was one of the co-accused

person is enlarged on bail in 2022 itself. The other 2 co-accused who participated in the crime were enlarged on bail on the ground of long incarceration by orders of this Court dated 28.02.2025 & 13.03.2025. Mr. Vidyarthi would therefore persuade the Court to consider the case of the Applicant on parity as also long incarceration considering that the trial has not yet concluded and ignominy of the Applicant being in jail until completion of the trial which would be a distinct impossibility in the near foreseeable future. It is seen that indictment and arrest of the Applicant is for offences punishable under Sections 363 and other allied Sections of IPC. He would submit that the young victim who was kidnapped and kept in the office of one of the co-accused person was found and restored back with his parents within no time, hence considering long incarceration, the case of Applicant deserves consideration for bail.

4. In view of the above submissions made by Mr. Vidyarthi, learned APP shall take appropriate instructions from the concerned Investigating Officer (IO) and accordingly apprise the Court about the same on the next adjourned date.

5. In view of the above facts, present Application shall be heard and decided by the Court on the next adjourned date, note of which shall be taken by the prosecution. If the present Application reaches

for hearing after Court working hours, learned APP shall remain present or allocate the matter to another APP with instructions.

6. Stand over to 23rd April, 2025. To be placed on Supplementary Board.

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR
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