

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

CRIMINAL BAIL APPLICATION NO. 1861 OF 2025

Ayyaz Karim Shaikh

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Nagesh Khedkar a/w Mr. Shubham Sane & Mr. Prithviraj
Deshmukh, Advocate for the Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 30.04.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 167 of 2015 registered at Swargate Police Station, Dist- Pune for the offences punishable under Sections 302, 120-B & 201 r/w 34 of the Indian Penal Code, Section 4(25) of the Arms Act and Sections 37(1)(3) r/w 135 of the Bombay Police Act.
3. It is the case of the prosecution that on the date of incident, which took place on 23.07.2015, the present applicant and other co-accused assaulted the deceased by sharp weapons and committed his murder on account of a previous dispute.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for nine years and nine months. It is submitted that though the trial has commenced, it is not likely to be concluded as there are 40 witnesses. It is submitted that this Court recently by order dated 23.04.2025 in Criminal Bail Application No. 1757 of 2025 has released the co-accused Imran Shiledar on bail, on the ground of long incarceration.

6. On the other hand, the learned APP for the respondent-State submits that this Court has already rejected the bail application of the present applicant on merits. It is submitted that the trial has commenced and the prosecution has already examined nine witnesses and therefore the applicant may not be released on bail.

7. The fact that the applicant is in jail for nine years and nine months is not disputed. The earlier bail applications were rejected in the years 2017 & 2018. There are no other criminal antecedents. There appears to be substance in the submission of the learned counsel for the applicant that trial is no likely to be concluded in near future. I am therefore inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 167 of 2015 registered at Swargate Police Station, Dist- Pune for the offences punishable under Sections 302, 120-B & 201 r/w 34 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1)(3) r/w 135 of the Bombay Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)