

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4497 OF 2024

Sunil Damu Mule	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
INTERIM APPLICATION NO.857 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 4497 OF 2024

Sayyad Sahabuddin Nabisab	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Kaushal Popat a/w Mr. Sanjay Rego, Ms. Jhanavi Shah, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for State.
 - Mr. Rahul Shivaji Kadam, for Applicant in IA No. 857/2025.
 - PI – S. Suryawanshi, Unit 8, MPIO, present.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P. C.:

1. Heard Mr. Popat, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Today when the matter is heard learned Prosecutor Mr. Karmakar would submit that he would require some time to take instructions with respect to the questions raised in the order dated

04.04.2025. *Prima facie* seen that Applicant is behind bars for more than 1 and ½ years.

3. Learned Advocate for Applicant would persuade the Court to consider the long incarceration of Applicant in the present crime and would submit that once the alleged amount even according to the prosecution case is fully secured, further custody of Applicant is clearly unwarranted. He would assure the Court of complete cooperation by the Applicant in any investigation required by the prosecution.

4. Mr. Kadam would submit that an intervention application is filed and copy of which is handed over to the learned Advocate for Applicant.

5. At the request of Mr. Karmakar, learned APP two weeks' time is granted to file their Affidavit-in-Reply to ascertain the attachment of the three immovable properties belonging to the Applicant which are delineated in paragraph No.3 of the order dated 04.04.2025.

6. Learned Advocate for Applicant is also directed to place on record the precise status of the 3 properties which are part of the chargesheet at page No.1597 and which have been attached in order to ascertain whether the said properties are unencumbered and can be

considered as adequate security as argued by him and delineated in the order dated 04.04.2025.

7. Learned Advocate for Applicant also persuades the Court to consider the fact that arrest of Applicant is contrary to provisions of Section 50 of the Cr.P.C. as he has not been conveyed grounds of his arrest and most importantly he has not been produced before the Magistrate within a period of 24 hours from the time of his arrest. He would submit that he has been produced before the Magistrate after two days i.e. 48 hours later.

8. Learned Prosecutor shall also ascertain the veracity of the above submissions made by learned Advocate for Applicant and apprise the Court on the next adjourned date when the Application of Applicant will be considered for grant of bail.

9. Stand over to 11th June, 2025.