



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION(BA) NO. 720 OF 2025
Syed Zuber Syed Wazir Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.M.Daga,counsel for the applicant.
Mr. Vinod Thakare, APP for the State.
Mr.Harshwardhan Chauhan a/w Mr.Ashish Girdekar,
counsel to assist the prosecution.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 08/12/2025

1. The applicant is arrested in Crime No.88 of 2022 for the offence punishable under Sections 302, 326, 324, 323, 143, 144, 147, 148, 149,152 and 120(B) r/w Section 34 of the Indian Penal Code and Section 135 of Maharashtra Police Act and Section 4 and 25 of the Indian Arms Act.

2. The learned counsel applicant has filed this application on the ground of delay in trial. This is the third bail application filed by the applicant. On 02/04/2024, this Court has expedited the matter and liberty was granted to apply, if there is no progress in trial. On 26/09/2024, the applicant has again applied stating that there is no progress in trial and this Court has directed, if the trial is not concluded within nine months, then liberty was granted to the applicant to file afresh before this Court.

3. Now the applicant is coming before this Court as there is no progress in trial. The status report was called. As per the status report, dated 13/10/2025, till today the charge is not framed.

4. It appears that since last three and half years, the applicant is in jail. Other nine co-accused are already released on bail. As per the status report, the discharge application of one of the accused is rejected and another accused No.9 has filed the application under Section 227 of the Code of Criminal Procedure for discharge and the matter is kept for reply. It appears that the accused, who are on bail are playing delaying tactics. They are filing the discharge application one after another and therefore, delay is caused though there is direction of this Court to dispose of the trial expeditiously and within nine months. In the order, the liberty was granted to file a fresh bail application, if there is no progress.

5. After going through the roznama, it appears that the trial Court is not aware about the orders passed by this Court to expeditiously dispose of the trial. Since last three and half years, the applicant is in jail and no steps are taken to dispose of the matter expeditiously. The Court is casually granting the time for filing the reply and the accused persons are filing the applications for discharge one after another. The act of the co-accused cannot be considered while

granting bail, on the ground of delay in trial. The applicant is entitled for grant of bail on this ground. Hence, I pass the following order:

- i) The Criminal application is allowed.
 - ii) Applicant – Syed Zuber Syed Wazir be released on bail in connection with Crime No.88 of 2022 for the offence punishable under Sections 302, 326, 324, 323, 143, 144, 147, 148, 149, 152 and 120(B) r/w Section 34 of the Indian Penal Code and Section 135 of Maharashtra Police Act and Section 4 and 25 of the Indian Arms Act, on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.
 - iii] The applicant shall not in any way tamper with the prosecution evidence.
 - iv] The applicant shall not pressurize or threaten the prosecution witnesses.
 - v] The applicant shall co-operate the learned trial Judge in the conduct of the trial.
6. The Criminal Application stands disposed of accordingly.
7. Pending application/s, if any, stand/s disposed of.

JUDGE