

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 827 OF 2025

Ayyan Mohammed Shaikh @Ayyan Murgesh ...Applicant
Shaikh

Versus

The State of Maharashtra ...Respondent

Mr. Vipul Dushing a/w Mr. Tanmay kate, for the Applicant.
Mr Ashok S. Gawai, APP, for the Respondent - State.
PSI Nitin Palande, Trombay Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 10th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 111 of 2023 registered with Trombay Police Station, Mumbai, for the offences punishable under Section 307, 326, 323, 504, 506(2) read with 34 of the Indian Penal Code, 1860 (for short "IPC") and Sections 4 & 27 of Arms Act and an offences under Sections 37(1)(a) & 135 the Maharashtra Police Act.

2. In short, it is a case of the prosecution that on 21st February 2023, an incident occurred, in which the present Applicant and the co-accused caused assault on the informant - injured. In the said incident, he sustained injuries. On the basis of the said report, an offence came to be registered against the Applicant.

3. Learned Counsel for the Applicant submits that Applicant came to be arrested on 21st February 2023 since then he is in jail. It is his submission that after filing of the chargesheet on conclusion of the investigation, he cannot be kept in the custody by way of pre-trial sentence.

4. Learned APP opposes the application by pointing out criminal history of the Applicant. It is his further submission that the report submitted by the jail authority indicates that the Applicant has committed the misconduct in the jail

5. Now admittedly the investigation of the crime is over long back and the chargesheet came to be filed. No charge is framed, there is no progress in the trial.

6. Needless to say that Applicant cannot be kept in jail by way of pre-trial sentence. In so far as the conduct of the Applicant in jail is concerned, the appropriate action as provided by law can be initiated against him. This however does not become a ground for rejection of a bail. Hence, order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 111 of 2023 registered with Trombay Police Station, Mumbai, or the offences punishable under Section 307, 326, 323, 504, 506(2) read with 34 of the Indian Penal Code, 1860 and Sections 4 & 27 of Arms Act and offences under Sections 37(1)(a) & 135 the Maharashtra Police Act.

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.30,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant is directed to concerned Police Station once in a month for a period of six month
- iv) Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- v) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

7. In view of the above, Application stands allowed and disposed of accordingly.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-