

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1725 OF 2026

IN

INTERIM APPLICATION NO. 1564 OF 2025

Sayyed Aakif Sayyad Zafaruddin .. Applicant

The State of Maharashtra .. Respondent

WITH

CRIMINAL APPEAL NO. 1243 OF 2018

Sayyed Aakif Sayyad Zafaruddin .. Applicant

The State of Maharashtra .. Respondent

Mr. Adil Z. Bliabani, for the Applicant.

Mr. Amit Munde, Addl. P. P. for the Respondent/State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 8TH JUNE 2026.

PC:

1. By this application, the applicant is seeking modification of condition Nos. (i) and (iv) imposed by this Court, while granting bail to the applicant by order dated 30/04/2026.

2. The operative portion of the said order reads as follows:

“7.6 In view thereof, we are inclined to allow this Application. Hence, following Order is passed :-

(i) The Applicant - Sayyed Aakif Sayyad Zafaruddin be enlarged on bail on furnishing PR. Bond in the sum of Rs.2,00,000/- with two local solvent sureties in the like amount.

(ii) The Applicant shall report to the trial Court, once in a month between 1st and 5th day of calendar month between 10:00 a.m. to 02:00 p.m., till his appeal is finally disposed of.

(iii) The Applicant shall attend the office of the ATS, Kala Chowky police station, Mumbai once in a month between 1st and 5th day of the calendar month between 10:00 a.m. to 02:00 p.m. till his appeal is finally disposed of.

(iv) The Applicant shall not leave the jurisdiction of the trial Court without prior permission of the Court.

(v) The Applicant shall surrender his passport, if having or in his possession, before the trial Court, before his release from Jail.

(vi) If there are two consecutive defaults in appearing before the trial Court/office of the ATS, the learned Judge/ATS shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of this bail.

(vii) Before his release from jail, the Applicant shall keep the trial Court and ATS, Mumbai informed of his current address and mobile contact number as to where he would stay till the appeal is finally disposed of.

(viii) The Applicant shall not change his residential address & contact No. without prior permission of the trial Court.”

3. The learned counsel for the applicant submits that as per condition No. (i), the applicant is required to furnish two local solvent sureties in the amount of Rs. 2 lakh for which he is also called upon to furnish the PR Bond. It is submitted that since the applicant is not a local resident of Mumbai and he is resident of Ch. Sambhajinagar (formerly ‘Aurangabad’), he is finding it impossible to arrange for two local solvent sureties. In this light, it is submitted that this Court may consider relaxing the said condition. Reliance is placed on order of the Supreme Court in ***Re Policy Strategy for Grant of Bail*** [2023 SCC OnLine SC 483], wherein the Supreme Court observed that one of the reasons for delay in release of convicts, even after bail has been granted, is the imposition of condition of local surety. It is also indicated in the said order that Court may consider relaxing conditions. Further, the attention of this Court is invited to orders passed by Division Bench of this Court following the aforesaid order passed by the Supreme Court, particularly in the cases of co-accused persons, wherein this Court has not insisted upon local sureties.

4. It is further submitted that condition No. (iv) is onerous, as the applicant would be required to apply to the Court each time he has to leave the jurisdiction of the Trial Court.

5. The learned APP has opposed this application. He submits that in the light of the serious offences for which the applicant has been convicted and sentenced to imprisonment for a period of 40 years, appropriate conditions have been imposed by this Court while granting bail. It is submitted that this Court may not show any indulgence to the applicant.

6. We have considered the rival submissions. We find that the Supreme Court in the aforesaid order passed in “Re Policy Strategy for Grant of Bail” (supra) has indicated that when a convict, who is granted bail, is unable to enjoy the fruits of such an order because of imposition of specific conditions, the Court may even suo motu consider relaxing certain conditions. It is noted in the said order that release of convicts granted bail is delayed, inter alia, due to the reason that they are unable to furnish local sureties.

7. We find that in the orders passed by Division Benches of this Court granting bail to co-accused persons Faisal Ataur Rehaman Shaikh and Afroz Khan Shahid Khan Pathan, this Court had not insisted upon local sureties being provided.

8. We also find that the applicant does not appear to be a resident of Mumbai and hence, he is finding it difficult to arrange for local sureties. In that light, we are inclined to partly allow this application by deleting the requirement of local solvent sureties being provided, by appropriately modifying condition No. (i).

9. As regards condition No. (iv), we are not impressed with the submissions made on behalf of the applicant. There is substance in the contention raised by the learned APP that in the light of the serious offences, including offences under the Unlawful Activities (Prevention) Act for which the applicant has been convicted, it would not be appropriate to show indulgence for relaxing condition No. (iv).

10. In view of the above, the application is partly allowed and condition No. (i) imposed in the order dated 30/04/2026 is modified and it shall read as follows:

“(i) The Applicant - Sayyed Aakif Sayyad Zafaruddin be enlarged on bail on furnishing PR. Bond in the sum of Rs.2,00,000/- with two solvent sureties in the like amount.”

11. All other conditions imposed in the said order shall continue to operate.

12. Application is disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)