



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 17 OF 2025

Tausif Fareed Sayyed

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Ms. Sana Raees Khan a/w Ms. Juhi Kadu and Ms. Neha Balani,
Advocate for the Applicant.

Mr. Vinod Chate, for the Respondent – State.

Ms. Snehal Jadhav (PSI), Kondhwa Police Station, Pune,
present.

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CORAM : N. R. BORKAR, J.

DATE : 13th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.709 of 2020 registered at Kondhwa Police Station, District : Pune, for the offences punishable under Sections 302, 120B, 323, 504 and read with Section 34 of the Indian Penal Code (for short 'IPC') and Section 4(25) of the Arms Act and Section 37 (1) read with Section 135 of the the Maharashtra Police Act.

3. According to the prosecution, there was a dispute between the deceased, the present applicant and the co-accused Saif Sayyad. It is alleged that they, thus, entered into conspiracy with the other co-accused to kill the deceased. It is alleged that pursuant to said conspiracy, on the date of incident which took place on 01.06.2020, they along with other co-accused assaulted the deceased by sharp weapons and committed his murder.

4. The bail is sought on the ground of long incarceration. The learned counsel for the applicant submits that the applicant is in jail for four years and ten months. It is submitted that this Court by order dated 22nd March 2024 in Criminal Bail Application No.1042 of 2024 directed to the trial Court to conclude the trial within a period of six months, however, the trial is still at the initial stage as the recording of evidence of first witness is going on. It is submitted that there are no other criminal antecedents against the applicant.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that this Court has already rejected the bail application filed by the present applicant on merits. It

is submitted that the order passed by this Court was challenged before the Hon'ble Supreme Court and the applicant thought it fit to withdraw the said special leave petition. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. This Court by order dated 22nd March 2024 in Criminal Bail Application No.1042 of 2024 directed the Trial Court to conclude the trial within a period of six months. It is not disputed that the recording of the evidence of the first witness is still going on. The trial is therefore not likely to be concluded in near future. The applicant is in jail for four years and ten months. There are no other criminal antecedents against the applicant. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.709 of 2020 registered at Kondhwa Police Station, District : Pune, for the offences punishable under Sections 302, 120B, 323, 504 and read with Section 34 of the Indian Penal Code (for short 'IPC')

and Section 4(25) of the Arms Act and Section 37 (1) read with Section 135 of the the Maharashtra Police Act on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)