



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 689 OF 2026

Talib Rijwan Sayyad,
Age : 28 Years, Occu. : Labour,
R/o New Mukundnagar,
Tq. and Dist. Ahmednagar. .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Nilesh S. Ghanekar, Advocate for the Applicant.
Shri A. R. Kale, Addl.P.P. for the Respondent – State.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 29TH APRIL, 2026.**

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 541/2024 registered with Tofkhana Police Station, Dist. Ahmednagar for the offences punishable U/Sec. 307, 336, 324, 143, 147, 148, 149 of the Indian Penal Code and Sec. 3, 4, 25 of the Arms Act and Sec. 37(1) and 37(3) of the Maharashtra Police Act.

3. Applicant was initially arrested on 15.06.2024. The charge sheet was filed on 20.08.2024. He was enlarged on regular bail vide order dated 06.09.2024.

4. Applicant is shown to have been indulged in Cr. No. 523/2025 and arrested on 27.02.2026. Lateron he was also enlarged on bail in that offence vide order dated 10.03.2026. He was required to file application Exhibit 106 for bail, which is rejected on 23.03.2026.

5. Learned counsel Mr. Ghanekar for the applicant submits that his client was enlarged on bail on merits by imposing conditions. He was punctual in adhering the conditions. The copy of relevant dates from the roznama are pointed out to support the submissions. He is falsely implicated in Cr. No. 523/2025. He secured bail in that offence on merits. It is submitted that his client is ready to abide by any condition. There is no express order passed by the Court cancelling his earlier bail. There is no purpose in detaining him in the present offence.

6. Per contra, learned A. P. P. submits that applicant is history sheeter as three offences are pitted against him. He is indulging in similar type of offences. It disqualified him to enjoy the liberty. Applicant has not followed the conditions.

7. At the outset, it needs to be made clear that after securing bail on merits on 04.09.2024, no order was passed cancelling bail. Unless there is order of cancellation of bail, the accused should not have been taken into custody in the self same offence.

8. The roznama produced on record would indicate that he is accused No. 5 and was punctual in attending the proceedings. In Sessions Case No. 253 of 2023 his application for exemption was allowed on 29.10.2025. Issuance of nonailable warrant against the accused including present applicant on 11.11.2025 is vulnerable.

9. Applicant came to be arrested on 27.02.2026 in Cr. No. 523/2025. Lateron, he was enlarged on bail on 10.03.2026. It appears that he remained in the custody and he was required to file application Exhibit 106. His application was rejected on 23.03.2026 only for the reasons that there is violation of the condition of not indulging in similar type of activities in future.

10. I have already observed that in the absence of order of cancellation of bail, the custody is illegal. There is no stipulation in the order dated 06.09.2024 that for any default on the part of the applicant, the bail was to be cancelled without reference to the Court. Applicant is entitled to be released on bail.

11. Learned A. P. P. has submitted that three offences are registered against him. Already the condition imposed vide order dated 06.09.2024 would take care of the apprehension. I propose to allow the application. I, therefore, pass following order.

ORDER

- A. The bail application is allowed.
- B. Applicant – Talib Rijwan Sayyad shall be released on bail on furnishing fresh bond on same condition as those are stipulated vide order dated 06.09.2024 passed by Additional Sessions Judge, Ahmednagar in Criminal Bail Application No. 1197 of 2024.

[SHAILESH P. BRAHME J.]

bsb/April 26