

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 84 OF 2015
IN
CRIMINAL BAIL APPLICATION NO. 1041 OF 2014

Nusrat @ Nasrat Ali Mohammad Idris KhanApplicant

V/s.

The State of MaharashtraRespondent

Mr. Mubin Solkar i/b Ms. Tahera Qureshi for Applicant
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : JANUARY 28, 2015

PC :

Not on board. Upon production taken on board.

1) Applicant herein is praying for temporary bail on the ground that he has to perform the last rites of his deceased father. Applicant is in custody in Special Case No. 1 of 2013 pending trial before the Court of Raigad. Applicant is being prosecuted under the provisions of MCOC Act. Learned counsel appearing for the applicant, upon instructions from Sherealam Akhtarali has filed this application seeking temporary bail.

2) Learned counsel for the Applicant has placed on record the death

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certificate issued by Charu Nursing Home on 27/01/2015 reporting therein that the father of the present applicant namely Mohammad Idris son of Abdul Samad aged about 80 years has expired on 27/01/2015 at 7.10 pm. The cause of death is 'Sudden Cardiorespiratory Arrest'. The death certificate issued by the Government of Uttar Pradesh i.e. Grampanchayat Officer is also placed on record which shows that father of the applicant has expired on 27/01/2015. Applicant has received the said certificate by fax. The report of Charu Nursing Home the death certificate issued by Grampanchayat Officer is taken on record and marked as article 'X'.

3) Learned counsel for the applicant has specifically submitted that the person who is instructing is present in the Court. He happens to be nephew of the applicant. Learned counsel for the applicant submits that Sherealam Akhtarali is filing an undertaking that he would surrender his passport before Superintendent of Taloja Jail. The said undertaking shall form part of record.

4) Learned APP submits that applicant may be sent to his native place Tiwaripur, District Pratapgad which falls within local limits of Raniganj

Police Station, Uttar Pradesh by a police escort, which would accompany him from Taloja Jail, Navi Mumbai.

5) It is in the interest of justice that the applicant is being granted temporary bail. The temporary bail is being granted on humanitarian grounds with full assurance that the said liberty will not be misused in any manner by the present applicant.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on furnishing Personal Bond in the sum of Rs. 15,000/-. Applicant is at liberty to furnish cash bail.
- (iii) Applicant shall report to Raniganj Police Station, from 30/01/2015 to 08/02/2015 at about 10.00 am.
- (iv) Applicant shall surrender before Raniganj Police Station on 09/02/2015 and shall be brought back to Taloja Jail, Navi Mumbai by Police of Uttar Pradesh.
- (v) Applicant shall bear the escort charges from Taloja to Tiwaripur, Uttar Pradesh and from Tiwaripur to Taloja Jail, Navi Mumbai as well.

- (vi) Sherealam Akhtarali shall surrender his passport before Superintendent of Talaja Jail. He would further give an undertaking that the applicant would return to Talaja Jail on 09/02/2015. Upon applicant returning back to Talaja jail, Superintendent of Talaja Jail shall hand over the passport of Sherealam Akhtarali.
- (vii) Application stands disposed of.
- (viii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)