

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPEALATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 272 of 2015.

Altaf Abbas Ali Sheikh

..Applicant.

Vs

State of Maharashtra

..Respondent.

Ms Swapna Kode, Advocate for the Applicant.

Smt. Geeta Mulekar, APP for the State.

Shri Ramchandra Lotlikar, PI, S.P.U. Mumbai.

CORAM : A.R.JOSHI,J

DATE : 1st April, 2015

(AT 2:35 P.M. IN CHAMBER No.4)

P.C. :

- 1) Heard rival submissions on this repeated bail application preferred by the applicant praying for his release on bail during the pendency of the trial. Earlier application for bail was rejected by this Court on 21st March, 2014.
- 2) While not granting bail earlier, directions were given to the trial Court to expeditiously deal with the matter and dispose it off in accordance with law, preferably within a period of nine months. Reportedly, till date the hearing of the matter is not started.
- 3) On the last date, directions were given to the trial Court to

file a report as to the stage of the proceedings. Also, the directions were given to the applicant to produce the medical record regarding ailments of his mother. Today, the medical papers are brought to the Court which show that the mother of the applicant though not of advance age and aged about 52 years, is suffering from diabetes mellitus with hypertension with chronic kidney disease with ischemic heart disease with Anemia. She was regularly taking treatment for eight years. This is the report of one Dr Suresh Mane given in November, 2014. Even the report from the City Hospital Jogeshwari (West), Mumbai of December, 2013 also shows some ailment regarding kidney. During the arguments, it is strongly submitted that the present applicant is in custody for more than 20 months and is facing the trial for offence punishable under sections 420, 465, 466, 467, 468, 471 read with Section 34 of IPC and Sections 10 and 24 of the Emigration Act, 1983.

4) Considering that the earlier direction of this Court for conclusion of the trial within a period of nine months was not fulfilled and considering that there are more than 30 to 35 witnesses, in the opinion of this Court, the applicant can be released on bail on the exceptional circumstance as to ailment of his mother. Hence, the present application is allowed with certain

conditions and hence order.

ORDER:-

- 1) The bail application is allowed;
- 2) The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties for the like amount.
- 3) After availing the bail the applicant shall attend the trial Court on each and every date of hearing without fail and shall not tamper with the prosecution witnesses in any manner;
- 4) Bail before the trial Court;
- 5) With these directions bail application is disposed of.

(A.R.JOSHI, J.)