

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 274 OF 2015

Akhtar Jamal Khan

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Prabhanjay R. Dave for Applicant

Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 29th JUNE 2015

PC :

Heard. Learned counsel for the applicant submits that applicant is in jail for about almost 9 months. Learned counsel submits that offence is punishable up to 7 years. Learned APP submits that applicant has criminal antecedents, so much so that he was externed from Mumbai in the year 2007. Learned counsel for the applicant submits that since 2009, no offence is registered against him. In the present case, allegation against present applicant is that his services were being utilized to kill a member of Chota Rajan who is languishing in jail. It is a specific allegation that after raiding residential premises, Intelligence Unit had found photograph of the person who was to be eliminated and on the reverse side of photograph, there was a map of the

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Court. Learned APP submits that there are international calls and messages received and sent by applicant. It is also stated that person to be eliminated was to be eliminated in the Court premises and therefore, map on the reverse of the photograph. Learned counsel for the applicant submits that after arrest of the applicant, photo was planted in his house. However, upon perusal of the records, it appears that since 2008, there are no offences registered against him.

2) In view of this, police had no enmity with present applicant that he should be taken into custody. Case is investigated by Intelligence Unit upon secret information. In view of this, applicant does not deserve bail at this stage.

3) Learned counsel for the applicant, hence, prays for withdrawal of application with further liberty to approach the Sessions Court after considerable period. Liberty as prayed for is granted. In the facts and circumstances of present case, applicant would be at liberty to renew his prayer for bail after 3 months before Sessions Court. Learned Sessions Court while considering application under section 439 of Code of Criminal Procedure, 1973 shall not be influenced by the withdrawal of this application

or the observations made herein above.

- 4) Application stands dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)