

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 994 OF 2015

Shoeb Javed Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 993 OF 2015

Sultan Javed Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Parvez Memon a/w Mr. Shine M. i/b MZM Legal for the Applicant.
Mr. S.H. Yadav, A.P.P. for the State in ABA/994/15.
Ms. P.P. Shinde, A.P.P. for the State in ABAA/993/15.

CORAM :- SMT. SADHANA S. JADHAV, J.
DATED :- 14th JULY 2015.

PC. :-

1 These are applications under Section 438 of Cr.P.C. Applicants herein are apprehending their arrest in C.R. No.250 of 2015 registered at L.T. Marg Police Station on 01.07.2015 for the offences punishable under sections 325, 332, 353 r/w 34 of I.P.C.

2 The applicants have filed application for seeking pre-arrest bail before the Court of Sessions on 08.07.2015. The matter was taken on board on 09.07.2015 and the learned Sessions Court has

observed that the Police Constable of L.T. Marg Police Station was present. Say was not filed by the prosecution and therefore, the application is adjourned for hearing to 20.07.2015.

3 Learned Counsel for the applicants submit that the applicants are Muslims. It was brought to the notice of the learned Sessions Court that in view of Ramzan Eid, the applicants be granted interim protection or their applications be decided before 17.07.2015. Learned counsel for the applicants submits that the application was simplicitor adjourned for hearing to 20.07.2015 i.e. after Ramzan Eid and that the applicants cannot offer their prayers/namaz on the eve of Ramzan. In view of this, the applicants seek protection till 20.07.2015. On humanitarian grounds the applicants are being protected till 20.07.2015. The learned Sessions Judge shall hear the applications on 20.07.2015 and decide the same on its own merits. It is made clear that the present applications have not been heard on merits.

4 Learned A.P.P. rightly submits that applicants shall be directed to remain present before the Sessions Court on 20.07.2015 and mark their presence at the time of hearing as contemplated under the Amendment Act under Section 438 of Cr.P.C.

5 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned

trial Court shall decide the matter uninfluenced by the observations made by this Court.

8 Hence, following order is passed.

Order

- I) In view of this, the applications are allowed.
- II) In the event of arrest, till 20.07.2015, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or two sureties in their like amount.
- III) The applicants shall mark their presence before the Investigating Officer on 16th and 17th July 2015 between 11.00 a.m. to 1.00 p.m. It is reiterated that the matters have not been heard on merits.
- IV) Applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)