

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.813 OF 2015

IN

BAIL APPLICATION NO.1426 OF 2015

WITH

BAIL APPLICATION NO.1426 OF 2015

MANOJ RATILAL RAICHA

)...INTERVENOR

IN THE MATTER BETWEEN

GUDDU @ MOHD.HAFIZ HAMZA KHAN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Smt.Rebecca Gonsalves, Advocate for the Applicant.

Smt.V.S.Mhaispurkar, APP for the Respondent – State.

None for the Intervenor.

CORAM : ABHAY M. THIPSAY, J.

DATE : 22nd SEPTEMBER 2015.

P.C. :

1 None present for the intervenor when called out. I have heard Smt.V.S.Mhaispurkar, the learned APP for the State. I have heard Smt.Rebecca Gonsalves, the learned counsel for the accused.

2 The learned counsel for the accused points out that before the trial court the intervenor had made only a limited prayer to the extent that he be permitted to assist the Public Prosecutor. She submits that intervention to that extent may be permitted and if the same is done, the accused has no objection.

3 She also brought to my notice the observations made by Their Lordships in paragraph 25 of the judgment in the case of **Sundeep Kumar Bafna vs. State of Maharashtra and Another**¹.

4 Prayer (b) in the application is to the effect that the bail application be rejected, which cannot be granted in this application. The bail application will have to be heard and decided on merits.

5 Prayer (c) is also not relevant in the context of the present application.

1 2014 AIR SCW 2115

6 However, the intervenor shall be allowed to remain present in person or through his counsel at the time of hearing of the bail application and to assist the Public Prosecutor in opposing the bail application.

7 The application is allowed to the aforesaid extent only.

8 Bail Application No.1426 of 2015 be placed on board on **28th September 2015, at 3.00 p.m,**

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment /Order.**