

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1553 OF 2015
Zakariya Hanif Shaikh vs. State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.R.Pitale for the Applicant.

Ms..P. P. Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 19th November, 2015

P.C.

The applicant is apprehending arrest in CR NO.I-190/2015 registered with Shanti Nagar Police Station Bhiwandi, District Thane under Section 406 and 420 of the I.P.C. The applicant had preferred an anticipatory bail application bearing No.1829/2015 in the Court of Sessions Judge, Thane, at Thane. The said application came to be rejected by order dated 13.10.2015. The Learned Trial Court had observed that, the said matter was called out on two occasions and on both the occasions the Advocate for the applicant and the applicant himself was absent and therefore, the Trial Court deemed it fit to proceed with the matter to decide it without hearing the Advocate for the applicant or the applicant therein.

2) In my considered opinion, anticipatory bail application of the applicant cannot be dismissed without granting and/or according opportunity of being heard either to the Advocate or the applicant in person. Therefore, by exercising the powers under Section-482 of the Criminal Procedure Code, I set aside the aforesaid order dated 13.2.2015 and direct the concerned Trial Court to hear the anticipatory bail application No.1829/2015 afresh. It is needless to mention that the interim order passed by the Trial Court on 30.7.2015 shall operate till the hearing and final decision of anticipatory bail application No.1829/2015. The learned counsel appearing for the applicant undertakes to this court that his client and his Advocate will remain present on each and every occasion before the trial court. The Trial Court is directed to make an endeavor to dispose of the said application as early as possible and within a period of one month from the receipt of this order. The learned counsel for the applicant further undertakes that the applicant and his advocate shall remain present before the Trial Court firstly on 23.11.2015 without fail. The present application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)