

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Cr. Writ Petition No 4276 of 2015

ZULFIKAR KASAM MOMIN ...Petitioner.

V/S

THE STATE OF MAHARASHTRA AND ANR ...Respondents.

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Mr. Prashant Pandey, Advocate for the Petitioner.

Mrs. P.P. Bhosale, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 28th OCTOBER, 2015

P.C.

1. This Petition is filed by the respondent in Criminal Appeal No.585 of 2015. Said appeal was preferred by the original complainant, challenging acquittal of the present petitioner, then respondent.

2. The parties were heard on 10.8.2015 and appeal challenging the acquittal of the present petitioner was admitted and R & P was called. Further it was directed that the process under Section 390 of Cr.P.C. be initiated against the then respondent No.2 i.e. present petitioner with directions to the trial Court to release him on bail in the sum of Rs.1000/-. In fact these specific directions of this Court were required to have been complied in strict sense by the trial Court. However, it is brought to the notice of this Court that the trial Court had in fact imposed various conditions and also enhanced the bail amount to Rs.15000/-. Said order is passed by the trial Court

on 14.10.2015 when there were specific directions by this Court for release of the present petitioner, then respondent No.2, on bail in the sum of Rs.1000/-. It was not within the rights and jurisdiction of the trial Court to enhance the bail amount and to impose various conditions. More so when reportedly such conditions were not imposed even during the trial. In fact said trial had ended in acquittal and the present applicant / respondent No.2 is a acquitted person. Considering these circumstances his bail amount was fixed at Rs.1000/-. As such, strict compliance of the order of this Court dated 10.8.2015 is warranted. As such, conditions imposed by the trial Court vide order dated 14.10.2015 are taken away and the present petitioner is to be released on bail in the sum of Rs.1000/- with one surety for the like amount. Needless to mention that once the appeal is pending before the High Court, appropriate course of action shall be taken in the appeal. Present order be brought to the notice of the concerned trial Court for compliance, immediately. Writ Petition is disposed of accordingly.

(A. R. JOSHI, J.)

Deshmane (PS)