

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4356 OF 2016

IN

CRIMINAL APPEAL NO.172 OF 2014

Shaikh Rafiq s/o Shaikh Ayyub,
Age-43 years, Occu:Labourer,
R/o-Near Joshi Hospital, Khokadpura,
Sabzimandi, Aurangabad

...APPLICANT
(Ori. Accused)

VERSUS

1) Shaikh Farooq s/o Shaikh Ameer Bagwan,
(Original Complainant),
Age-Major, Occu:Business,
R/o-Sabzimadi Paithan Gate,
Aurangabad,

2) The State of Maharashtra

...RESPONDENTS

...

Mr. Mohsin Khan Advocate for Applicant.
Mr. Ajit D. Kasliwal Advocate for Resp. No.1.
Mr. K.S. Hoke Patil, A.P.P. for Resp. No.2.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 5TH AUGUST, 2016

ORDER :

1. Heard counsel for Applicant - original accused (Respondent No.1 in Appeal) as well as counsel for Respondent No.1 - original complainant and learned A.P.P. for State. Perused the Application.

2. The Application shows that the Applicant -accused claims to be labourer and claims that for last one year he was serving in Gujrat State and could not approach his lawyer and so his Advocate was not present.

3. There is no reason why the Applicant should not have kept his counsel informed about his address, and when he had been released on bail he should not have kept the trial Court posted regarding his address as well as why he should not have filed his fresh address in this Court.

4. In view of the Applicant - accused not becoming available, this Court was forced to take coercive steps and issue non-bailable warrants.

5. Now, however the Appeal itself has been finally heard and has been reserved for Judgment. In this view of the matter as Judgment has been reserved, the Applicant - original accused may be released on P.R.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand) to be furnished in the trial Court. At the time of admitting the Applicant to bail, the trial Court shall add condition that Applicant - accused shall mark his presence in the trial Court every three months till disposal of the present Appeal (Although this Court would be taking steps to dispose the Appeal before that). Trial Court to report regarding compliance of furnishing bail by the accused.

6. Hamdast allowed.

7. Criminal Application stands disposed of accordingly.

[A.I.S.CHEEMA,J.]

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