

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4397 OF 2016

IN

CRIMINAL APPEAL NO.826 OF 2003

- 1) Shaikh Maksud s/o Shaikh Maheboob,
Age-33 years, Occu:Labour,
R/o-Ghatnandur, Tq-Ambejogai,
Dist-Beed,
Presently residing at: Lal Nagar,
Ambajogai, Dist-Beed,
- 2) Shabirbi Shaikh Mahboob,
Age-73 years, Occu:Household,
R/o-As Above.

...APPLICANTS
(Ori. Accused)

VERSUS

The State of Maharashtra,
Through Police Station Yousufwadgaon,
Tq-Kaij, Dist-Beed.

...RESPONDENT

...
Mr.S.B. Bhapkar Advocate for Applicants.
Mr.K.D. Mundhe, A.P.P. for Respondent.
...

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

DATE : 5TH AUGUST, 2016

ORDER :

1. Heard counsel for Applicants - Appellants - original accused. He states that he was not able to contact the Applicants as they had shifted residence and as bailable warrants could not be served the non-bailable warrants were issued. He states that Appellants - original accused have today come to the Court. He submits that he has necessary instructions to argue the Appeal. He states that Appellant No.2 is more than 70 years old and one opportunity may be given.

2. Perused earlier orders. If the Applicants/Appellants were changing address, there is no reason they should not have informed their Advocate and should not have kept the information on record of this Court and trial Court when they had been released on bail. Looking to the earlier orders, the warrants really do not deserve to be called back. However, looking to the age of

Applicant No.2 and as the learned counsel says that now he has necessary instructions to argue the Appeal, lenient view is being taken.

3. Subject to payment of costs of Rs.1,000/- (Rupees One Thousand) by each of the Appellant to be deposited in the Registry of this Court, the non-bailable warrants shall be recalled. Hamdast of the same may be given to the counsel on behalf of the Applicants, addressed to the concerned Court/ police station.

4. This is further subject to the condition that the Applicants - original accused shall furnish fresh P.R.B. and S.B. in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each before the trial Court. While admitting the accused to bail trial Court shall add condition that Applicant Nos.1 and 2 shall mark their presence in the trial Court every three months till disposal of the present Appeal. The trial

Court shall send yearly report in January, about compliance regarding appearance of the accused.

5. It is made clear that if, when the Appeal comes up for hearing it is not argued, no further leniency would be shown to accused.

6. The Applicants- original accused shall appear before the trial Court for furnishing fresh P.R.B. and S.B. on 29th August 2016. The trial Court shall send compliance report regarding furnishing surety by the Applicants.

7. The Appeal be listed for hearing finally on 6th September 2016.

8. The Criminal Application stands disposed of, accordingly.

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