

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.5765/2016
IN CRIMINAL APEAL NO.162/2003**

**SHAIKH ATIK ABED HUSSAIN
VERSUS
STATE OF MAHARASHTRA**

**...
Advocate for Applicant: Mr.J.V.Deshpande
APP for Respondents: Mr.R.B.Bagul
...**

**CORAM : V.L.ACHLIYA,J.
DATE : 20/10/2016**

PER COURT :-

The applicant has moved this application seeking bail on the grounds set out in the application.

2] Heard Mr.Deshpande, learned counsel for applicant and learned APP for respondent/State. Pursuant to order dated 1/8/2016 passed by this Court the non bailable warrant was issued. In execution of the warrant the applicant has been taken in custody and lodged in jail.

3] In nutshell, it is say of the applicant that during the pendency of appeal, he was ordered to be released on bail. Due to long standing gap between the admission of appeal and release on bail and listing

of appeal for hearing, there was communication gap in between the applicant and his advocate, he remained absent on the date on which appeal was listed for hearing. He was not aware of order of warrant issued by Court. The accused no.2 expired and hence appeal stands abated so far as appellant no.2.

4] The learned counsel for applicant submits that the sentence awarded by trial Court is of three years. The applicant undertakes to attend the Court on each date of hearing. He therefore urged to release the applicant on bail.

5] Having appreciated the submissions advanced in the light of record and proceeding, I am inclined to allow the application. Hence the following order :

ORDER

I] Pending disposal of appeal, applicant be released on bail on furnishing fresh bail in the sum of Rs.25,000/- with one surety in like amount on following conditions :

A] The applicant shall attend each and every date of hearing of appeal till conclusion of appeal. Applicant shall attend police station, Sillod on every Sunday in between 10 to 11 a.m. till disposal of appeal.

B] The applicant shall furnish his complete address with proof. Applicant shall furnish names and addresses of three close relatives.

C] In the event of non observance of any of the conditions, the bail granted to the applicant shall be liable to be cancelled.

6] List the appeal for final hearing on 21/11/2016. Bail be furnished before Sessions Court. Hamdast is allowed.

(V.L.ACHLIYA,J.)

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