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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 894 of 2016

WITH

CRIMINAL BAIL APPLICATION NO. 895 of 2016

c

Shaikh Ahmad Abdul Rashid Shaikh

..Applicant.

Vs

The State of Maharashtra

..Respondent.

Mr R.V. Bansode, Advocate for the applicant.

Mrs A.A. Mane, APP.

Mr Anil Gasinde, PI. Chunabhati P.S. Present.

Mr Mohan Patil Jailer 2, Taloja Jail present.

CORAM : A.S.GADKARI, J.

DATE : 18.5.2016.

(VACATION JUDGE)

P.C.

1. The learned counsel appearing for the applicant, on instructions from the wife of the applicant who is present in the Court, submitted that during the pendency of the present applications the police have filed charge-sheet. He further, on instructions, seeks leave to withdraw the present applications with liberty to file a fresh bail application before the Trial Court in view of the change in circumstance.
2. Leave and liberty granted.
3. Applications are disposed off as withdrawn.
4. The learned APP has filed a praecipe dated 17.5.2016 for speaking to the minutes of order dated 10.5.2016.

5. By an order dated 10.5.2016 this Court had directed the Taloja Central Jail, Navi Mumbai to permit the applicant to appear for his examinations which are conducted by Yeshwantrao Chavan Maharashtra Open University, Nashik between 11th May, 2016 and 23rd May, 2016. The learned APP submitted that in the cause title of the application the name of the applicant has been typed as “Shaikh Ahmad Abdul Rashid Shaikh” instead of “Shakil Ahmed Abdul Rashid Shaikh”. She further submitted that due to the said mistake committed by the applicant at the time of filing the present application, while passing the order dated 10.5.2016 the same mistake has been crept in the cause title of the said order. She further, on instructions, submitted that due to variance in the name, the Jail Authority / Police Authorities could not produce the applicant at examination centre for want of clarification and therefore, the office of the Public Prosecutor has moved the present praecipe. It is true that there is a glaring mistake committed by the applicant while writing / typing his own name in the cause title of the application which has resulted into confusion about the identity of an under trial prisoner.

6. In view of the fact that the applicant does not want to prosecute the present application and that the applications are disposed of, the aforesaid directions issued in the order dated 10.5.2016 does not survive and stands deleted from the record.

(A.S. GADKARI, J.)