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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1042 OF 2016

Shaikh Hussein Abbas Shaikh

..Applicant.

Vs.

The State of Maharashtra

..Respondent.

Indu Prakash Tripathi i/by Mr C.K. Tripathi for the applicant.

Mr Sarwade, P.S.I. Chunnabhatti.

Mrs A.A. Mane, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 20th May, 2016

P.C.

1) Leave to amend the prayer clause. Amendment to be carried out forthwith.

2) This is an application for temporary bail on the ground that the marriage of the daughter of the applicant is scheduled on 28th May, 2016 at Kurla Mumbai. The invitation card of the proposed marriage is annexed at page 67 and 68 of the present application.

3) The applicant is an accused in CR No. 248 of 2015 registered with Chunnabhathi Police Station, Mumbai under sections 307, 326, 324, 354 (B), 504, 506 (II) of the IPC. The learned APP, on instructions, from the concerned police officer, present in the Court, submitted that the complainant/first informant and the other victim and the witnesses from the aforesaid crime are also residing in the same locality and if the applicant is released even on temporary bail, he may threaten or pressurise the witnesses.

4) In view of the fact that the marriage of the daughter of the applicant is scheduled on 28.5.2016 at Kurla Mumbai and the presence of the applicant is necessary for performing the religious ceremonies, I am

inclined to allow the application. However, the applicant shall be released on temporary bail on the condition that he shall be taken to the place of marriage in the police escort. It is needless to mention that the escorting police party shall be in plain clothes. The applicant shall pay the necessary charges of the police escort to the Government.

5) Hence, the following order :

ORDER:-

(a) The applicant shall be released on temporary bail in CR No. 248 of 2015 registered with Chunnabhati Police Station, Mumbai on his furnishing a PR. bond of Rs.25,000/- with one or more local sureties in the like amount;

(b) The applicant shall be released from jail on or before 5:00 p.m. on 27.5.2016 and shall surrender to the jail authority on or before 5:00 p.m. of 29.5.2016;

(c) The applicant while on bail shall not contact any of the witnesses and/or extend threat to them in the present crime;

(d) The applicant shall deposit 25% of the escort charges prior to his release from jail in the Government exchequer and shall make the complete payment either at the time of surrender to jail or within three days thereafter. The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)