

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2144 OF 2016

Niyaz Amir Shaikh	...	Petitioner
vs.		(Orig.Accused No.12)
The State of Maharashtra	...	Respondent

Mr.Niranjan Mundargi h/f Mr. V.R.Sutaria, Advocate for the petitioner.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 23rd June, 2016.

P.C.

Heard. Rule. Rule returnable forthwith with the consent of the parties.

2. The petitioner herein happens to be an accused in Sessions Case No.389 of 2012. The learned Sessions Court vide order dated 8.6.2016 has issued non-bailable warrant against the accused and has forfeited the bail bonds. It is true that the Advocate was present before the Court and had filed an application seeking exemption on medical grounds.

3. The learned APP submits that the application was not supported by any document to show that the petitioner could not remain present before the Court. A cryptic application had been filed seeking exemption.

4. The learned counsel for the petitioner has drawn attention of this Court to the order dated 17.6.2016, wherein the co-accused had been protected by this Court and a non-bailable warrant was stayed for a limited

period to enable the petitioner to appear before the Court. It is in this background the learned counsel for the petitioner, upon instructions from the petitioner who is present before the Court, submits that the petitioner would remain present before the Sessions Court on 24.6.2016 and file a proper application seeking recalling of the non-bailable warrant.

4. The learned counsel for the petitioner, upon instructions from the petitioner who is present before the Court, submits that he would furnish fresh bail bonds in the same amount in which it was granted earlier.

5. In view of this, the application is allowed. The order seeking the quashing and setting aside of the non-bailable warrant is set aside on the ground that the petitioner would remain present before the Sessions Court and cause his appearance. In any case, the non-bailable warrant is issued only to secure the presence of the accused and if the said purpose is fulfilled, the order issuing non-bailable warrant deserves to be stayed till 5 p.m. on 24.6.2016.

Petition is allowed in the above terms and stands disposed of.

6. Parties to act on an authenticated copy of this order.

(SMT.SADHANA S.JADHAV, J.)