

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 312 OF 2016

(Sheikh Sameer Sheikh Sarvar Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S. V. Sirpurkar, Advocate for the applicant.
Shri S. S. Doifode, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : AUGUST 11, 2016

Heard.

It is seen from the record that even though the applicant was granted bail by the order passed on 25/8/2015 by this Court, he came to be released from the jail custody only on 04/9/2015. That was the date also fixed by the Court for his appearance in the case pending before the concerned Sessions Court. As the applicant came to be released on 04/9/2015, the applicant could not make himself present before the concerned Sessions Court on 04/9/2015. However, this fact was not brought to the notice of the Court and accordingly non bailable warrant was issued against him. In execution of the warrant, he was arrested on 17/10/2015 and since then the applicant is in jail.

It appears that the concerned Sessions Court, while rejecting the bail application of this applicant has not considered the fact that absence of the applicant in the Court was not deliberate and was caused by his late release from the jail custody. While rejecting

the application filed by the State for cancellation of bail to the accused, this Court on 01/02/2016 directed the concerned Court to expeditiously dispose of the sessions case and it was particularly directed that the trial shall commence within one month from the date of passing of the order, i.e. 01/02/2016 and shall be completed within four months thereafter.

On being asked about the progress of the trial, learned A.P.P. for the State informed the court that so far the charge has not been framed.

Thus, it is clear that the concerned Sessions Court has neither complied with the order of this Court passed on 01/02/2016 nor has considered the material aspects concerning the considerations for grant of bail or otherwise to the applicant. As stated earlier, the absence of the applicant on 04/9/2015 was not deliberate and so I am of the view that the applicant deserves to be released on bail. It is all the more so because the Sessions Court has not commenced the trial so far, in violation of direction issued by this Court. Hence, the order.:

The application is allowed and it is directed that the applicant be released on bail on his executing a P. R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like amount. The applicant shall regularly attend the Court on the dates fixed in the matter and shall cooperate with the Court in expeditious disposal of the case.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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