

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 65/2014

(State of Maharashtra vs. Sk. Sameer s/o Sk. Sarwar and others)

AND

CRIMINAL APPLICATION (APPLN) NO. 66/2014

(State of Maharashtra vs. Sheikh Haji s/o Sheikh Sarwar)

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

Court's or Judge's order

.....
Mr.T. A. Mirza, APP for applicant -State
S/shri SK/SP Bhandarkar /A.A. Naik, Advocate for non-applicant/s

CORAM: A.B.CHAUDHARI, J.

DATED : 1st February, 2016.

Heard.

The above-referred Applications have been filed by the State of Maharashtra for cancellation of bail of the respondents, which was granted by this Court under order dated 24.1.2014 in B.A. Nos. 553, 905 and 922 all of 2013; and dated 3.10.2013 in B.A. No. 522/2013.

The ground that is pressed into service by the learned A.P.P. seeking cancellation of bail is that while on bail, the non-applicants/respondents committed two offences. The first FIR bearing Crime No.79/2014 is for offence punishable u/ss. 324, 341, 34 of IPC r/ws. 7 of the Criminal Amendment Act, but then reading of the FIR shows that unidentified persons had committed the said offence. However Mr. Mirza, learned APP submits that nevertheless the unidentified persons

were identified in the parade and they are the non-applicants/respondents. The second offence pertains to the criminal trespass in the quarters of WCL occupied by the complainant-Baba Kale and a sword was found in the quarters where the accused persons had an illegal entry and were staying.

These Applications were filed in this Court on 3rd July 2014 and have been pending since then. Learned APP fairly states that the trial is yet to be commenced inasmuch as the same is pending in the main offence of murder (i.e. Crime No. 94/2012 registered at Police Station Ghuggus) and it is necessary to have the decision of the said trial, but with protection to the witnesses. He submits that all the respondents/non-applicants who were granted bail, in the background of the above facts, must be kept away otherwise they are likely to influence the prosecution witnesses, if this Court decides not to cancel their bail.

S/Shri Bhandarkar/Naik, learned counsel for the respondents state that their clients would not reside in Chandrapur town and Ghuggus, till the trial is completed in the murder case, but their bail should not be cancelled.

In my opinion, looking to the fact that these Applications are pending since July 2014, though some offences are said to have been committed by the respondents, it would be proper to order expeditious trial and to accept the offer made by the learned

counsel for the respondents that they would not enter Chandrapur town and Ghuggus area, till the trial is completed, except on the dates of hearing when the Sessions trial would commence. In the above premise, both these Applications is being disposed of, by passing the following order:-

ORDER

- 1) Cri. Application Nos. 65 and 66 both of 2014 are disposed of.
- 2) The respondents/accused persons shall not enter Chandrapur town and Ghuggus area, till the trial in Crime No.94/2012 is completed.
- 3) The respondents shall inform the concerned Police Station where they would reside.
- 4) The Police Station Officer shall inform the complainant in Crime No. 94/2012 about this order and the P.S.O. shall keep a surveillance on the respondents.
- 5) The respondents shall attend the sessions trial on the dates appointed.
- 6) The concerned Sessions Judge shall take up the trial and commence the same within one month from today and shall complete the trial within four months thereafter.
- 7) The Superintendent of Police, Chandrapur shall give witness protection to the witnesses in Crime No. 94/2012, till the trial is completed.

JUDGE