

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPLN] No. 104 of 2014
[Sheikh Imbran Sheikh Suleman Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. A.B. Mirza, Adv., for the Applicant.
 Mr. T.A. Mirza, APP for respondent no.1.
 Mr. S.G. Joshi, Adv., for respondent no.2.

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CORAM : A.B. CHAUDHARI, J.

DATE : 03rd February, 2016

Heard learned counsel for the rival parties.

This is an application for cancellation bail by the brother of deceased Sayema, i.e., complainant.

The allegations in the complaint are that deceased Sayema was murdered by the respondent no.2 and others. The order granting bail was made by the Trial Court on 25th July, 2014. Since then, the respondent no.2 is on bail. There is no complaint of breach of any conditions or tampering of the evidence. All other accused have also been released on bail. The allegations against the respondent no.2 are also serious and that is why the complainant, applicant, seeks to quash and set aside the impugned order on the ground

that the bail should not have been granted in the wake of the prima facie case having been made out. However, I find that after a lapse of such a long period, there is no point in cancelling the bail even looking to the role of respondent no.2. Hence the following order would subserve the interest of justice:-

ORDER

- [a]** Criminal Application [APPLN] No. 104 of 2014 is disposed of and the plea for cancellation of bail is not entertained and is rejected.
- [b]** The respondent no.2, Abdul Rafique Abdul Hamid, shall, however, not enter Akot town till the trial is over except on the dates of his appearance before the Trial Court.
- [c]** Respondent No.2 shall inform the concerned Police Station where he would reside.
- [d]** The trial is expedited.

Judge