

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 235 OF 2017

Shahnawaz Mohammed Yusuf

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Siddharth Jaiswal for the Applicant.

Ms. J.S. Lohokare, APP for State..

Mr. Santosh Rasam, A.P.I., Khar Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 15th DECEMBER 2017

P.C.:

1] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

2] At the outset, the learned APP on instructions submitted that, on 11-12.2017 an incorrect statement was made on behalf of the prosecution that the applicant did not attend the police station and did not surrender his passport with the Investigating Officer in pursuance of Order dated 8.2.2017. The learned APP fairly pointed out that by a subsequent Order dated 16.2.2017 earlier Order dated 8.2.2017 was modified and the applicant was directed to attend Bandra Police Station, Mumbai on stipulated dates.

3] The record indicates that, as a matter of fact the applicant did attend Bandra Police Station on stipulated dates and have joined the process of investigation.

The learned Counsel for the applicant on instructions submitted that the applicant does not have passport and therefore there is no question of depositing the same with the Investigating Agency. The said statement is accepted. The statement made by the learned APP in that behalf is accordingly stands deleted from the Order dated 11.12.2017.

4] By a reasoned Order dated 8th February 2017, the applicant was granted interim relief. After perusing the record of investigation, this Court is of the view that for further investigation of the present crime, the custodial interrogation of the applicant is not necessary.

5] In view thereof, interim relief granted by an Order dated 8th February 2017 is confirmed. However, the condition to attend the Investigating Officer is hereby waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)