

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

CRIMINAL BAIL APPLICATION NO. 361 of 2017

Sahzad Mohd. Aziz Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sachin Pawar for the applicant.

Mr. Arfan Sait, APP for the respondent-State.

PSI Mr. Nilesh Rajput, APMC Police station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12 JUNE 2017

P.C. :

1. This is an application for bail by the applicant in connection with CR No.I-191 of 2011 registered with APMC Police Station, Navi Mumbai for the offences punishable under sections 399, 402 of IPC and sections 4, 25 of the Arms Act and sections 37(1), 135 of the Bombay Police Act.

2. The applicant was directed to be released on bail by the Court of Sessions Court vide order dated 24 November, 2011. The chargesheet was filed and the proceedings are now pending before the Court of District Judge and Additional Sessions Judge, Thane. Since the applicant did not appear before the trial Court on the

respective dates, non bailable warrant was issued against him on 15 July, 2016 and he was arrested on 14 November, 2016. The applicant thereafter preferred an application for bail before the Sessions Court which has been rejected vide order dated 28 November, 2016.

3. Learned advocate for the applicant submits that he was granted bail by the Sessions Court earlier. It is true that he did not appear before the trial Court on the respective dates. He submitted that there was miscommunication between the advocate representing him and the applicant which has resulted in absenteeism. He has submitted that stringent conditions may be imposed to secure the presence before the trial Court.

4. Learned APP vehemently opposed the application for bail. He submitted that the applicant is not having permanent place of residence and he was absconding for a period of one year. He submitted that if the applicant is released on bail, he would again abscond.

5. I have perused the record, it is noted that applicant was arrested in connection with the offences punishable under sections

399 of IPC. He was granted bail. No doubt he did not remain present before the trial Court. However, he can be released on bail on imposing certain conditions.

6. Hence I pass the following order;

:: ORDER ::

- (i) The applicant is hereby directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one more sureties in the like amount.
- (ii) The applicant is directed to report to APMC Police Station, Navi Mumbai once in a week on Saturday between 11.00 to 1.00 pm.
- (iii) The applicant should regularly attend the proceedings before the trial Court on the respective dates.
- (iv) The applicant is directed to furnish his permanent address where he will be residing after he is being released on bail to the Investigating officer as well as to the trial Court.
- (v) Application stands disposed of.

[PRAKASH D. NAIK, J.]