

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 716 OF 2016

Firoz @ Raju Tube Light Bashir Khan
V/s.

.....Applicant

The State of Maharashtra

....Respondent

Mr. U. N. Tripathi i/b Mr. Mohsin Khan Latif Khan Pathan
Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

Mr. R. K. Jadhav, P.S.I. Shivaji Nagar Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 7th MARCH, 2017.

PC :

1) Today, in the morning session, accused has suo-moto appeared before this Court. By an order dated 15/02/2017, this Court had issued non-bailable warrant which was to be executed through Shivaji Nagar Police Station. It is apparent on the face of the record that Shivaji nagar Police Station has failed to execute the said non-bailable warrant and has granted sufficient latitude to the applicant to appear before this Court on his own although there was an order that he shall be produced through the police station. Police officer of Shivaji Nagar Police Station has reached the court subsequently. A report is

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submitted stating therein that P.S.I. R. K. Jadhav had deputed police constable Mr. Kamble, Buckle no. 319 to execute non-bailable warrant.

2) It was reported that Mr. Kamble went to the house of the applicant, but applicant was not present and his wife has disclosed to Mr. Kamble that the applicant has left the house three days ago and she has no knowledge about his whereabouts. It is also stated that the wife refused to give her name to Mr. Kamble and therefore, non-bailable warrant could not be executed.

3) It is pertinent to note that senior P.I. of Shivaji Nagar Police Station, Bhiwandi, Mumbai has not taken any pain even to mention the date on which Mr. Kamble had gone to execute the non-bailable warrant, although the copy was received on 18/02/2017. It is apparent that the police was co-operating with the applicant. It is also clear that the applicant has criminal antecedents. This court had observed that on 29/03/2016, applicant had filed an application seeking enlargement on bail before this Court and during the pendency of this application, he was enlarged on bail by the Sessions Court on 30/05/2016.

4) The learned counsel Shri. U. N. Tripathi submits that it was lack of communication between the applicant and the lawyer representing him and the counsel representing him had filed an application on his own. It is clear that investigating agency, applicant as well as the lawyer representing the applicant before the Sessions Court have made an attempt to mislead this Court in connivance. Today an oral prayer is made for recalling the non-bailable warrant.

5) Non-bailable warrant is recalled on the condition that the applicant would deposit the cost of Rs. 7,000/- in this Court within one week from today.

6) Application stands disposed of.

7) Office to send the copy of this order to the Deputy Commissioner, Zone-6.

(SMT. SADHANA S. JADHAV, J.)