

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO. 907 OF 2017

Shamim Bashir Chowdhary Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. Rushikesh Patil i/b Tushar Pimple for applicant.
Mr. M.G. Patil, APP for State.
Mr. Rajiv Ashok Chavan, API, D.N. Nagar Police Station present.

CORAM : A.S. GADKARI, J.
DATE : 26th April 2017.

P.C.:

1] This is an application under 439 of Cr. P.C. for bail in CR No.278 of 2013 dated 4.7.2013 registered with Sakinaka Police Station, Mumbai under Section 354 read with 34 of the Indian Penal Code.

After completion of investigation, the police have submitted chargesheet on 8th July 2013. The applicant was released on bail by the concerned Court on 20th July 2013. The record reveals that as the applicant did not attend the Trial Court on stipulated dates, a non-bailable warrant was issued against the applicant on 24.8.2016 and the same was executed on 23.3.2017. In pursuance of the said execution of warrant, the applicant is in custody from 23.3.2017.

2] The learned Counsel for the applicant submitted that, due to inadvertent mistake on the part of the applicant, he did not attend the dates before the Trial Court. He further submitted that hereinafter the applicant will attend each and every date before the Trial Court.

3] Perusal of the documents annexed to the application, reveals that the offence alleged against the applicant is under Section 354 of the Indian Penal Code. As the applicant was earlier released on bail by the Trial Court and again he has undergone more than a month in the custody, this Court is of the view that, the further incarceration of the applicant in judicial custody pending trial is not necessary. The applicant can be released on bail on certain conditions.

Hence, the following Order:

- (i) The applicant be released on bail in CR No.278 of 2013 registered with Sakinakar Police Station, Mumbai on his furnishing PR bond of Rs.10,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from the jail, the applicant shall provide the documents pertaining to his residential address to the Investigating Agency and to the Trial Court.
- (iii) The applicant shall attend all the dates before the Trial Court.
- (iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

4] The Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)