

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1193 OF 2016

Asif Ashraf Nasir Hussain	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Swapnil Ovalekar, Appointed Advocate for the applicant.
Mrs.Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 9th March, 2017.

P.C.

Heard the learned Advocate appointed for the applicant and the learned APP.

2. The applicant herein is seeking enlargement on bail in MCOCA Special Case No.1 of 2013. The learned APP, upon instructions, submits that in the present case, charge is framed and witness summons are issued.

3. The learned counsel for the applicant vehemently submits that the applicant is in custody for more than three years and, therefore, he deserves to be enlarged on bail.

4. The learned APP submits that the applicant has criminal antecedents and, therefore, he does not deserve to be enlarged on bail.

However, according to the learned Advocate appointed for the applicant, the applicant has been convicted only in one case for the offence punishable under Section 392 of the IPC.

5. Taking into consideration the fact that the applicant has committed the present offence while on bail in another case, it would be difficult to record a finding under Section 21 sub-clause (4) of the MCOCA. Hence, this Court is the opinion that the applicant does not deserve to be enlarged on bail.

6. The learned counsel for the applicant has put in his best efforts to espouse the cause of the applicant. Hence, his professional fees are quantified at Rs.1500/- (as per the revised rates) to be paid to the learned Advocate for the applicant within 3 months from today.

7. Office to send a copy of this order to the applicant, who is lodged in Taloja Central Prison.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)