

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

CRIMINAL WRIT PETITION NO.2442 OF 2017

Babajan Mohiddin Nishandar .. Petitioner.

Vs.

Union of India & Anr. .. Respondents.

Mr.Hemant Ghadigaonkar for the Petitioner.

Mr.T.J. Pandian for Respondent No.1.

Ms.P.N. Dabholkar APP for the State.

CORAM : A. K. MENON, J.

DATED : 5TH JULY, 2017

P.C. :

1. By this petition, the petitioner has sought release on bail pursuant to the order dated 8th May, 2017 whereby non-bailable warrant came to be issued. Subsequently, on 6th June, 2017 he made an application before the Sessions Court, Sangli seeking bail which came to be rejected. Mr.Ghadigaonkar submits that the petitioner could not remain present on 8th May, 2017 since he was required to attend the Walima ceremony after the marriage of his daughter which took place on 3rd May, 2017 and he prays that this petition be allowed.

2. The petitioner has been on bail all throughout pursuant to the order dated 16th December, 2011. Only on one occasion when he was absent a bailable warrant came to be issued against the applicant on 11th July, 2016. Having heard learned counsel for the parties including Mr.Pandian for respondent no.1 who opposes

the application, I find that it is in the interests of justice that the order dated 6th June, 2017 is set aside. Accordingly, I pass the following order :

- (i) The petitioner be enlarged on bail on furnishing P.R. Bond of Rs.10,000/- and two sureties of the like amount.
- (ii) Save and except the above the conditions imposed vide order dated 16/12/2014 by the Additional Sessions Judge the Exhibit-5 and 6 in Criminal Appeal No.424 of 2011 is restored.
- (iii) No costs.
- (iv) The parties to act on a copy of this order duly authenticated by the Registry of this Court.

(A.K. MENON, J.)