

Anand

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

CRIMINAL APPLICATION NO.614 OF 2014

The State of Maharashtra .Applicant

Vs.

Aslam alias Banti Shabbir Shaikh Jahagirdar .Respondent

Mr.S.S.Pednekar, APP, for the Applicant – State
Mr.Niranjan Mundargi, Advocate, for the Respondent

CORAM : REVATI MOHITE DERE, J.

DATE : 12.07.2017

P.C.

. By this Application, the Applicant – the State of Maharashtra seeks cancellation of the bail of the Respondent.

2. Learned APP states that the Respondent has committed four offences, after he was enlarged on bail by this Court (Coram : V.C.Daga, J.) vide Order dated 19.09.2007 in Cri. Appln. No.2500 of 2007. He further submits, that though the Respondent was directed to report to the Manmad Police Station, twice a week i. e. on Monday and Friday in between 3.00 to 5.00 p.m. till the conclusion of the trial, the Respondent has also not complied with the said condition.

3. Learned counsel for the Respondent opposed the Application. He submitted that no ground is made out for cancellation of the Respondent's bail. He submitted that in two C.Rs. i.e. C.R.No.189 of 2009 registered with the Shrirampur City Police Station, Ahmednagar and C.R.No.247 of 2012 also registered with the Shrirampur City Police Station, Ahmednagar, the Respondent has been acquitted. He submits that the Respondent is noway concerned with C.R.No.175 of 2011. He further submits that as far as C.R.No.168 of 2012 is concerned, the Respondent has been enlarged on bail by this Court on merits, after observing that prima facie, it is difficult to come to the conclusion that the Respondent is guilty of the offences with which he is charged. He further submits that the allegation that the Respondent did not attend the Manmad Police Station, as directed by this Court (Coram : V.C.Daga, J.) vide Order dated 19.09.2007 in Cri. Appln. No.2500 of 2007 is incorrect, inasmuch as, the Respondent had attended the Manmad Police Station for about eight months and thereafter, pursuant to an order passed by this Court on an Application preferred by the Respondent was attending the Shrirampur Police Station. The Respondent has filed a detailed reply annexing the entries in the diary to show that he has been regularly attending the Shrirampur Police Station till date, except the time, he was in jail. He further submits that as far as

C.R.No.3057 of 2006 registered with the Manmad City Police Station is concerned, in which C.R., cancellation of bail is sought, the Respondent's discharge Application is pending.

4. Perused the papers. Respondent was granted bail by this Court (Coram : V.C.Daga, J.) vide Order dated 19.09.2007 in Cri. Appln. No.2500 of 2007, arising out of C.R.No.3057 of 2006 registered with the Manmad City Police Station. Whilst granting bail, amongst other conditions, the Respondent was directed to report to the Manmad Police Station, twice a week i. e. on Monday and Friday in between 3.00 to 5.00 p.m. till the conclusion of the trial. It appears, that the Respondent has attended the Manmad Police Station for about eight months. It also appears, that the Respondent had filed an Application seeking modification of the condition of attendance from Manmad Police Station to the Shrirampur Police Station as he apprehended assault on him. This Court (Coram : V.K.Tahilramani, J.) vide Order dated 30.07.2008, allowed the said Application, pursuant to which, the Applicant started reporting to the Shrirampur Police Station. It appears that after the Respondent was enlarged on bail, in C.R.No.3057 of 2006, he was again arrested in connection with C.R.No.189 of 2009 registered with the Shrirampur Police Station. The Respondent has been acquitted

from the said case, on 10.08.2012. Admittedly, the Respondent is not concerned with the C.R.No.175 of 2011 registered with the Shrirampur Police Station. As far as C.R.No.247 of 2012 is concerned which is registered with the Shrirampur Police Station, the Respondent has been acquitted in the said case, on 03.12.2012. Thereafter, the Respondent was arrested in connection with C.R.No.168 of 2012 in connection with serial bomb blast case on 13.01.2013. This Court (Coram : Revati Mohite Dere, J.) vide Order dated 01.10.2015 passed in B.A.No.1719 of 2013 enlarged the Respondent on bail, after observing that prima facie, it is difficult to come to a conclusion that the Respondent is guilty of the offences with which he is charged. The Respondent when he was in custody, obviously could not attend the concerned police station during the said period.

5. Considering the aforesaid, no ground is made out, to cancel the Respondent's bail. Accordingly, the Application stands rejected.

(REVATI MOHITE DERE, J.)