

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4450 OF 2017

Sayyed Masood	... Petitioner
Vs.	
State of Maharashtra & Ors.	... Respondents

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Mr. Subhash Jha i/b. Mr. Dinesh Tiwari and Mr. Ambre i/b. Dinesh
Tiwari & Associates for the Petitioner.
Mr. J. P. Yagnik, APP for Respondent-State.
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**CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE : NOVEMBER 03, 2017.

P.C. :

1. This Petition is filed on the apprehension that the petitioner, who is enlarged on bail by a competent Court in Mumbai, is still in custody of the jail authorities. Meaning thereby, the benefit of the order passed enlarging him on bail is not extended illegally and in the garb of some pending cases against the petitioner in Courts out of Mumbai or the State of Maharashtra.

2. On the earlier occasion, we inquired from Mr. Yagnik as to how the petitioner, being enlarged on bail, can be detained in custody, particularly after he has complied with all the formalities

and procedural requirements. The writ of *habeas corpus* is sought so as to produce him from the illegal custody. More so, after he has been enlarged on bail.

3. On the earlier occasion, Mr. Yagnik sought time to take instructions and he was granted time till today.

4. Today, when the matter is called out, Mr. Yagnik, on instructions of the concerned officials, and particularly the Superintendent of Mumbai Central Prison, Mumbai, states that the petitioner has been enlarged on bail by a competent Court in Mumbai and there is no intention to deny him the benefit of this order. He has availed of the bail but his presence was required in some other case in a competent Court in the State of Rajasthan. That is how he has been made over to the Investigating Officer appointed as such in the case in that State. That is why he is not in illegal custody as complained, but has been released on bail.

5. In the light of this statement made by Mr. Yagnik on instructions, which is accepted as an undertaking to this Court, no grievance of the petitioner survives for our consideration. The petitioner, being enlarged on bail in cases pending against him in Mumbai, can avail of the benefit of that order and the jail authorities, particularly of the Mumbai Central Prison, have not denied him the same, is the statement made on instructions before us. Once that is the position emerging from record, then we take a copy of the letter addressed to Mr. Yagnik on the file of this

Petition. We have expressed no opinion as far as the merits of the charge or the rights and the legal remedies of parties. The Petition is disposed off.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)