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

CRIMINAL BAIL APPLICATION NO.38 OF 2018

Samir Guljar Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms.N.D.Deboo, i/b Mr.A.B.Bhoir, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

PSI – Ajay Birajdar, Wadala T.T. Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail.
3. Perused the papers. The applicant was arrested in connection with C.R.No.257 of 2016 registered with the Wadala T.T. Police Station, Mumbai, for the alleged offences punishable under Sections 399 and 402 of the Indian Penal Code and under Sections 4 r/w 25 of the Arms Act. After

investigation, charge-sheet was filed as against the applicant and other co-accused. Subsequently, vide order dated 8th August, 2016, the applicant was enlarged on bail by the learned Additional Sessions Judge, Greater Mumbai on certain terms and conditions including the condition that the applicant shall not leave Mumbai and Pune, without the prior permission of the Trial Court. Despite the said condition, the applicant flouted the said condition. As the applicant also failed to appear before the trial Court, an NBW was issued as against the applicant. On 17th November, 2017, the applicant appeared before the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai and applied for cancellation of his NBW, however, the same was rejected and the applicant was taken into custody.

4. Learned Counsel for the applicant has filed an affidavit of the applicant stating that the applicant will not leave the jurisdiction of Mumbai and Thane without the prior permission of the Trial Court and that he will remain present in the Trial Court on every date. The said affidavit is affirmed before the Senior Jailor, Mumbai Central Prison, Mumbai on 23rd March, 2018.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall not leave the jurisdiction of Mumbai, Thane and Pune, without the prior permission of the Trial Court;
- iii) The Applicant shall attend the Trial Court on every date, except in exceptional circumstances;
- iv) If there are 2 consecutive defaults in appearing before the trial Court, or breach of the condition (ii), the prosecution will be at liberty to apply for cancellation of Applicant's bail;
- v) The Applicant shall abide by the aforesaid conditions in addition to the conditions already imposed by the Trial Court, whilst enlarging the applicant on bail.

6. As far as condition 7 (b) of the order dated 8th August, 2016, passed by the learned Additional Sessions Judge, Greater Mumbai, directing the applicant/accused to attend investigating officer on every Monday, Wednesday and Friday, in between 10.00 a.m. to 11.00 a.m., till further orders, is concerned, the same is relaxed. The applicant/accused shall now report to the investigating officer on the 1st and 3rd Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial.

7. The Application is allowed and disposed of in above terms.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)