

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1248 OF 2018

Mohammed Mamoon Abdullah Azmi

vs.

The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr.Amin Solkar for the Applicant.

Mr.S.S. Hulke, APP .for the State.

CORAM : A.S.GADKARI, J.

DATE : 03rd July, 2018

P.C.

1. By the present application, the applicant has impugned the Order dated 5.5.2018 passed by the Additional Sessions Judge, Thane and he is seeking his release on bail under Section 439 of the Code of Criminal Procedure.

2. The applicant was directed to be released on pre-arrest bail by the learned Additional Sessions Judge, Thane in Criminal Bail Application No.1560/2012 by its Order dated 1.10.2012. The record indicates that the applicant

thereafter on several occasions did not remain present before the Trial Court and filed applications for exemption on the ground that, the applicant had undergone major heart surgery and travelling often from Lucknow to Thane was very difficult for him. The record indicates that, the said applications were allowed by the Trial Court from time to time. It further appears from the record that, on 26/4/2018, the applicant moved an application below Exh. 54 for exemption which came to be rejected by an Order of even date and the learned Trial Court was pleased to issue non bailable warrant against the applicant making it returnable on 5.5.2018.

That, before execution of the said warrant the applicant appeared before the Trial Court and filed an application for cancellation of non bailable warrant as contemplated under Section 70(2) of the Cr.P.C. The said application has been rejected by the Trial Court by impugned Order dated 5.5.2018. The Trial Court has held that, the conduct of the applicant denotes that, he is not co-operating for disposal of the said trial expeditiously and there is possibility that,

he will not further regularly attend the trial Court.

3. Mr. Solkar appearing for the applicant submitted that, the applicant was arrested on 5.5.2018 and for last about two months he is in jail. He submitted that the applicant has taken a lesson and herein after will regularly attend the trial Court and co-operate the trial Court for conducting the MPID Case No.4/2014. The said statement is accepted.

4. In view of the fact that, the applicant was initially released on bail and his applications for exemption were considered favourably from time to time, I am inclined to release the applicant on bail.

Hence, the following order.

a) The applicant be released on bail in MPID Case No.4/2014 pending on the file of learned Additional Sessions Judge/Special Judge, Thane on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend all the dates before the Trial Court without any default and

in case the applicant is unable to attend the Trial Court for medical reasons he shall file an application in that behalf along with supporting medical certificate.

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)