

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.76 OF 2019

1. Mohammed Azam Usman Sideiqui, Age 30 years,
Occ.Principal, R/o.264/2, Tage Ki Chawl,
Near Pakki Bavadi, Soma Nagar,
Vidyashram, Bhiwandi, Thane.

2. Shoeb Ahmed Irfan Ahmed Ansari, Age 19 years,
Occ.Labour, Peer Mohamad Ki Chawl,
Narpoli, Dhamankar Naka, Soma Nagar,
Bhiwandi, Vidyashram, Thane.

Applicants

versus

The Senior Police Inspector, Bhoiwada Police
Station, Thane and another

Respondents

Mr.Mateen Shaikh for applicants.
Mrs.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th February 2019

PC :

1. This is an application for modification of order dated 6th February 2019 passed by Sessions Judge while granting bail the applicants in CR No.I-94 of 2018 registered with Bhoiwada Police Station. It was directed that the applicants shall visit concerned police station on every Tuesday and Saturday between 3 to 5 pm till further orders and as and when the investigating officer directs them so in writing. It was also observed that in case of default of any condition, the bail bonds shall automatically stand forfeited to the Government without notice to the applicants.

2. It is submitted by learned advocate for applicants that while granting bail to the other accused, no such condition was imposed by Sessions Court. It is further submitted that charge sheet is already filed.

The learned counsel for applicants further submits that there are cross cases between the parties and there is every likelihood that false complaint be lodged against them and therefore, condition no.1(c) and (g) be modified.

3. Learned APP submits that considering the nature of allegations, aforesaid condition was imposed by Sessions Court.

4. At the instance of applicants the FIR was lodged against opponents vide CR No.I-93 of 2019 for offences under Sections 354, 341 r/w 34 of Indian Penal Code and u/s 12 of POCSO Act. The applicants were in custody for a period of about 16 days after they had surrendered in the present case. The charge sheet is already filed. Hence, order can be modified to the following extent.

5. The order passed by learned Additional Sessions Judge, Thane dated 6th February 2019 in Bail Application No.297 of 2019 is modified to the extent that the applicants shall attend concerned police station once in a month on every first Saturday between 11 am to 1 pm till further orders. Clause(g) of the operative part of order dated 6th February 2019 stands relaxed and it is modified to the extent that in the event it is found that the applicants have committed breach of any condition, the prosecution will be at liberty to prefer application for cancellation of bail. Criminal Application No.76 of 2019 is disposed off. Rest of the order dated 6th February 2019 of Additional Sessions Judge, Thane shall remain intact.

(PRAKASH D. NAIK, J.)