

Urmila Ingale

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

CRIMINAL APPLICATION NO. 1334 OF 2019

IN

CRIMINAL APPLICATION NO. 1212 OF 2018

IN

CRIMINAL APPEAL NO. 929 OF 2018

Kamruddin Shahabuddin Shaikh

.. Applicant

Vs.

State of Maharashtra

.. Respondent

Ms.Payoshi Roy i/b Mr.Y.M.Choudhary, for Applicant.

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

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 5th NOVEMBER, 2019.

P. C. :

. Heard.

2. The applicant – original accused No.2 came to be convicted for commission of offences punishable under sections 143, 149, 342, 302 read with 34 of the Indian Penal Code and was sentenced to suffer imprisonment for life. The applicant filed Criminal Appeal No. 929 of 2018 which is already admitted. The applicant thereafter filed Criminal Application No. 1212 of 2018 for grant of bail. The Division Bench of this Court (Coram : B.R.Gavai & Sarang V.Kotwal, JJ.) vide order dated 14/08/2018 was pleased to allow this Application and released the applicant on bail during pendency of the Criminal Appeal No. 929 of 2018 on condition that applicant shall report to Dongri police station on first

Sunday of every month between 10.00 a.m. to 12.00 noon until further orders of this Court.

3. The applicant thereafter filed another application bearing Criminal Application No. 587 of 2009 for modification of the condition of bail. This application came to be disposed of by Division Bench of this Court (Coram : B.P.Dharmadhikari & Sandeep K.Shinde, JJ) by order dated 10/06/2019. Accordingly, order dated 14/08/2018 came to be modified and applicant was directed to report to the trial Court on first Monday in the month of January and July of every calender year at 11.00 a.m. till the final disposal of the Appeal.

4. By inadvertence, for the month of July 2019, applicant attended Dongri police station instead of the trial Court. The trial Court observing that the applicant did not attend the Court for the month of July 2019 issued warrant against the applicant and thereafter present application is filed to accept the applicant's attendance at the police station Dongri in July 2019 in lieu of applicant's not reporting to the trial Court in July 2019.

5. Learned Counsel appearing for the applicant makes a statement that henceforth the applicant will comply with the condition of the bail as stipulated in the order dated 10/06/2019 and will report to the trial Court on the first Monday of the month of January and July of every calender year. This statement is accepted. Learned APP does not dispute that applicant, as a matter of fact, attended Dongri police station in July 2019.

6. In the above circumstances, we are of the opinion that attendance by the applicant at Dongri police station in July 2019 can be taken as sufficient compliance of the order dated 10/06/2019. Application accordingly allowed in terms of prayer clause (a) and the same is disposed of.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

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