

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

**BAIL APPLICATION NO. 129 OF 2020**

Javed Noor Mohammed Fakir. ..Applicant.

v/s.

The State of Maharashtra. ..Respondent.

Mr. Raju Digamber Suryawanshi, advocate for applicant.

Mrs. P.P. Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J.**

**DATE : JANUARY 23, 2020.**

**P. C. :**

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application seeking temporary bail. The applicant is an accused in Crime No. 5 of 2017 registered at Shahada Police Station, District Nandurbar. The applicant was arrested on 7/4/2018 and is in custody.

3 Learned Counsel for the applicant has placed on record death certificate of the brother of the applicant namely Chirag Noor Mohammed Fakir, who has expired on 22/12/2019 at Khadke, Taluka Bhusawal, District Jalgaon. Learned Counsel for

*Talwalkar*

the applicant upon instructions submits that 40<sup>th</sup> day, to perform the last rites, would fall on 27/1/2020 and that being the brother of the applicant, he desires to attend the 40<sup>th</sup> day rituals on 27/1/2020.

4            Learned APP has taken instructions to that effect and has been informed by the Additional S.P. Nandurbar that the brother of the applicant has expired on 27/12/2019 and that the 40<sup>th</sup> day would fall on 27/1/2020.

5            On humanitarian ground, the applicant deserves to be granted temporary bail for a period of 10 days from the date of release. Hence, following order is passed:

### **ORDER**

- (i)            The application is allowed.
- (ii)           The applicant is granted temporary bail from 25/1/2020 to 6/2/2020. The applicant be enlarged on temporary bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more sureties in the like amount.
- (iii)           During the said period except on 27/1/2020 the applicant shall mark his presence before Bazar Peth Police Station, Bhusawal everyday between 4 p.m. to 6 p.m.

*Talwalkar*

(iv) On 6/2/2020 the applicant shall surrender before the Superintendent of Central Prison, Nandurbar before 5 p.m.

6 The application is disposed of accordingly.

The parties to act on the authenticated copy of the order.

**[SMT. SADHANA S. JADHAV, J.]**