

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 444 OF 2020**

Mukhtar @ Raj Zakir Khan	... Petitioner
V/s.	
The State of Maharashtra	... Respondent

Mr. Sagar S. Bhandare (appointed) for the Petitioner.
Mr. K.V. Saste, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI,
 ACTING CHIEF JUSTICE &
 N.R. BORKAR, J.**

DATE : MARCH 6, 2020.

P.C.

1] For the reasons recorded in the order passed today in Criminal Writ Petition No. 4256 of 2018, which we have allowed, this petition can be conveniently disposed of with following directions:

“We find both orders are unsustainable and the same are quashed and set aside. We direct the first authority to pass fresh orders, in accordance with law, within four weeks from the date of communication of this order to it.”

2] Here, the prisoner was under trial from 19th April 2016 to 2nd July 2018 and thereafter, as a convict from 3rd July 2018 onwards.

3] Thus, he has never been released either on bail or on any other leave and hence, the adverse police report against him is not justified.

4] Hence, with similar liberty and directions as mentioned in our earlier order supra, we partly allow this petition and dispose of it.

5] This order be communicated to the prisoner in Jail.

(N.R. BORKAR, J.)

(ACTING CHIEF JUSTICE)