

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.726 OF 2021

Ashfaq Islam Khan

Applicant

versus

The State of Maharashtra

Respondent

Mr.Nitin Sejpal with Mr.Akshata B. Desai for applicant.
Mr.Swapnil S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th February 2021

PC :

1. This is an application for temporary bail in connection with CR No.304 of 2016 registered with Kandivali Police Station for offences under Sections 302, 324 r/w 34 of Indian Penal Code.

2. The applicant had preferred application for temporary bail to attend marriage of his sister which is to be performed on 21st February 2021. Learned Sessions Judge by order dated 1st February 2021 directed that the applicant can be granted short term bail. He was directed to be released on executing PR bond of Rs.1,00,000/- and on furnishing solvent surety in the like amount, on 21st February 2021 at 10.00 am to attend the marriage of his sister Afreen at MHADA Ground, Gate No.18, Near Malwani Bus Depot, Malwani, Malad (West) Mumbai. The applicant was directed to return to jail on 22nd February 2021. The Sessions Court further directed that on the same bail bond, the applicant shall be released on bail on 24th February 2021 at 10.00 am and shall return in jail on 24th February 2021 in the evening of 6.00 p.m.

3. Learned counsel for applicant submits that practically it is difficult to avail the bail facility granted by the Sessions Court. The marriage of sister of applicant is fixed on 21st February 2021. The applicant being brother is required to attend several ceremonies. He has to also visit at Surat on 23rd February 2021 to attend Walima function. The applicant is in custody for more than four years. The applicant has co-operated with the trial. Hence, the applicant may be granted bail from 16th February 2021 to 24th February 2021. The applicant would surrender on 25th February 2021 at 11.00 am before the Trial Court.

4. Learned APP submitted that trial was expedited by Supreme Court. The trial is on the verge of completion. The applicant was granted bail by Sessions Court as aforesaid. No further modification is required.

5. It is noted that marriage of the sister of applicant is fixed on 21st February 2021. The applicant is in custody for more than four years. The trial has proceeded. On certain terms and conditions relief as prayed can be granted. Hence, I pass following order :

ORDER

(i) The applicant is directed to be released on temporary bail in connection with CR No.304 of 2016 registered with Kandivali Police Station, on executing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount, for the period between 16th February 2021 and 24th February 2021;

(ii) The applicant is permitted to furnish cash bail security in the

sum of Rs.1,50,000/- in lieu of sureties;

(iii) The applicant shall surrender before Trial Court on 25th February 2021 at 11.00 am;

(iv) During the bail period the applicant shall attend marriage ceremony of his sister to be held at Malwani (West), Mumbai and Walima at Surat. However, he shall not visit any other place;

(v) The applicant shall provide mobile number and details of address of place of marriage and the place where he would be visiting for Walima ceremony, to the Investigating Officer;

(vi) The applicant shall not commit any similar offence;

(vii) The applicant shall not directly or indirectly threaten any witnesses and tamper with the evidence;

(viii) The application is disposed of.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST