

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

**CRIMINAL APPLICATION NO. 225 OF 2021**

Shabib Gulam Dastgir Patel ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

**WITH  
INTERIM APPLICATION NO. 941 OF 2021**

**IN**

**CRIMINAL APPLICATION NO. 225 OF 2021**

Nawalkishor Lalchand Soni ... Intervener

**IN THE MATTER BETWEEN**

Shabib Gulam Dastgir Patel ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. Pankaj Panday, for the Applicant in APL.

Mr. Sagar Talekar a/w. Ms. Rashmi Mahane for Intervener.

Mr. S. S. Pednekar, APP for Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 17<sup>th</sup> MARCH, 2021**

**PC :**

. The applicant had challenged the order passed by the learned Sessions Judge wherein, bail granted to the applicant in accordance with the provision of 167(2) of Criminal Procedure Code was cancelled. The applicant was prosecuted for the offences under

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Section 420, 409, 467, 468, 471 of Indian Penal Code read with Section 82 of Indian Registration Act.

2. The learned Magistrate by order dated 30<sup>th</sup> January 2021 granted default bail to the applicant in accordance with Section 167(2) of Criminal Procedure Code. The Court observed that statutory period for filing chargesheet is 60 days. It is pertinent to note that the applicant was also prosecuted for an offence under Section 409 of Indian Penal Code. It is punishable with imprisonment of life or with imprisonment of either description for a term which may extend to ten years. The statutory period for filing chargesheet is 90 days. The order of learned Magistrate was set aside by Sessions Court. No interference is required in the order passed by the learned Sessions Judge. Hence the application required to be rejected.

3. Learned Counsel for the applicant submitted that the applicant was on bail for a long period of time and hence, some time may be given to him surrender before the trial Court. It is submitted that the applicant would surrender on 24<sup>th</sup> March 2021 at 11.00 O' clock.

4. The applicant is permitted to surrender before the Magistrate on 24<sup>th</sup> March 2021 at 11.00 O'clock. Criminal Application No.225 of 2021 stand disposed of.

5. Interim Application No.941 of 2021 stand disposed of accordingly.

**(PRAKASH D. NAIK, J.)**