

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2209 OF 2021**

Takweem @ Guttu Ajaz Khan	]	..	Petitioner
V/s.			
The State of Maharashtra & Ors.	]	..	Respondent
		...	

Mr.Rajendra Rathod, for Petitioner.
Ms.P.P. Shinde, APP for State.

CORAM : N.R.BORKAR, J.**DATE : 19TH JUNE 2021.****(THROUGH V.C.)****P.C.:**

1] This Petition takes an exception to the order dated 11.06.2021 passed by the learned Additional Sessions Judge, Thane in Criminal Revision Application No.65/2021.

2] The Petitioner is a complainant in CR No.312/2020 registered by Bhiwandi City Police Station for the offences punishable under Sections 364A, 384, 385, 386, 387 read with 34 of the Indian Penal Code and under Sections, 3 and 25 of the Arms Act.

3] Respondent Nos.2 and 3 are accused in the aforesaid crime. Their application for regular bail is pending before this Court.

4] It appears that the JMFC, Bhiwandi received an application through jail for release of respondent Nos.2 and 3 on bail in view of Notification of High Power Committee dated 11.05.2020. The learned

Magistrate ordered release of respondent Nos.2 and 3 on bail for 45 days by order dated 19.05.2021. It appears that the State then moved an application for cancellation of bail on the ground that respondent Nos.2 and 3 were not entitled to bail in terms of Notification dated 11.05.2020 and they obtained the bail by suppressing material fact.

5] By order dated 08.06.2021, the learned magistrate cancelled the bail granted to respondent Nos.2 and 3. Exception to the said order was taken by filing revision application before the Sessions Court. The learned Sessions Court stayed the order dated 08.06.2021 passed by the learned Magistrate. The said order is impugned in the present petition.

6] I have heard learned counsel for the Petitioner. He submits that the respondents got bail by suppressing the fact that offence punishable under Section 364A of the Indian Penal Code is invoked against them. It is submitted that the accused who are charged for the offence punishable under Section 364A of the Indian Penal Code are not entitled to temporary bail in terms of Notification dated 11.05.2020. It is submitted that the learned Sessions Judge, considering these facts and circumstances, ought not to have stayed the order passed by the learned Magistrate dated 08.06.2021. It is submitted that the order passed by the learned Sessions Judge, thus, needs to be quashed and set aside.

7] Admittedly, the revision application is still pending before the learned Sessions court. Considering the facts and circumstances of the case, in my view it would be appropriate to direct the learned Additional Sessions Judge to decide the said revision application expeditiously.

8] Learned counsel for the Petitioner submits that the next date of hearing before the learned Additional Sessions Judge is 22.06.2021. In view of facts and circumstances, following order is passed :

1] Learned Additional Sessions Judge shall endeavour to hear and decide revision application No.65/2021 on the next date i.e. 22.06.2021 and if for some reason, he is required to adjourn the matter on that day, then he shall dispose of the revision application in any case within two weeks from today.

2] Writ Petition stands disposed of in above terms.

[N.R.BORKAR,J]