

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 CRIMINAL APPLICATION NO.628 OF 2022
IN BA/101/2021

SHAIKH SARTAJ @ AJJI DADA S/O. SHAIKH NASIR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondent – State : Mrs. Vaishali Patil Jadhav
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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21.03.2022

PER COURT :

1. Present application has been filed for giving directions to the learned Additional Sessions Court, Aurangabad to enlarge the applicant on bail on furnishing identity proofs of blood relatives instead of three blood relatives pursuant to the order dated 08.06.2021 passed by this Court in Bail Application No.101 of 2021 in Crime No.302 of 2017 registered with Cantonment – Chhavani Police Station, Aurangabad for the offences punishable under Sections 302, 201, 120-B read with Section 34 of Indian Penal Code.

2. It is very much unfortunate that for such simple modification the applicant is required to approach this Court. The first and the foremost fact that is to be impressed upon the District Judiciary is that though the

procedure is there, it does not mean that simple modification of the same is not permitted. Word blood relatives is not defined in the Criminal Manual and it may denote the near relative and taking into consideration the purpose for which that rule has been made, it would be sufficient that there would be necessary details as required under paragraph No.12 of Chapter – I of Criminal Manual. It appears that the earlier Bench had called upon the report of the learned Additional Sessions Judge by order dated 22.02.2022 and accordingly a detailed report has been submitted. According to the learned Additional Sessions Judge, no surety was submitted or if it was submitted, he was asked to get the necessary detailed documents. Be that may, now the applicant is ready to give details of his mother, brother and maternal uncle. Maternal uncle will have to be considered as a blood relative. Name of his mother is Halima Begum Shaikh Nasir. Name of his brother is Shaikh Nisar Shaikh Naseer and name of his maternal uncle is Shaikh Shafique Shaikh Aziz. The election card/aadhar card or any such card having detailed address would be sufficient in view of paragraph No.12(4) of the Criminal Manual as it requires that the copies of at least two documents would be given, but that is in respect of the accused. When it comes to the condition in respect of blood relatives, it is sub paragraph (1) and the list is required to be given with their detailed

residential addresses and also addresses of their place of work, if any. If they are not working then the Court shall not insist for the address of the place of work. Further condition is that the accused shall also produce documentary proof of showing correctness of the details produced by him. In this connection, as aforesaid, the aadhar card or election card or bank passbook, anything will be sufficient.

3. In view of this clarification, the learned Additional Sessions Judge to accept the necessary documents from the above three persons and also to see the other compliance before complying with the order of release of the accused on bail, in view of order passed by this Court on 08.06.2021.

4. With these directions, the application stands disposed of.

[SMT. VIBHA KANKANWADI, J.]

scm