

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1177 OF 2022**

Mohd.Noor Hasan Abdul Jafar Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mrs.Anjali Patil for the applicant.

Mrs.Rutuja Ambekar, APP for the State.

PSI Sanjay Kadam from Padgha police station.

CORAM: BHARATI DANGRE, J.

DATED : 17th JUNE, 2022

P.C:-

1 In furtherance of the order dated 13/6/2022, the learned APP do not dispute that the role of the applicant is only, of a person who supplied the information. He did not participate in the actual act of assault or the actual homicide committed.

2 Offence is registered in the year 2006 and when asked, why the applicant was not arrested till date, the learned APP state that he was already incarcerated in one MCOC Case and hence the arrest was not effected. The learned APP state that trial has already commenced and eight witnesses have been examined, and examination of five witnesses is yet to be completed.

3 Considering the role assigned to the applicant in the entire charge-sheet, the Officer who is instructing the learned APP state that it would be sufficient for him if the applicant attend the dates of the trial on regular basis by remaining present before the Addl. Sessions Judge, Thane in Sessions Case No.63/2007, unless and until he is exempted from attendance.

 Since the custody of the applicant is not sought in C.R. registered in 2006, when the trial is also on going, the following order would serve the purpose of justice. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Mohd Noor Hasan Abdul Jafar Shaikh, in connection of C.R.No.1116/2006 registered with Padgha police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)