

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1951 OF 2022
IN
BAIL APPLICATION NO.855 OF 2022

Saklen Ahmed Shakil Qureshi] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Vasantrao R. Patil for the applicant.

Mr. S.H. Yadav, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 28TH JUNE, 2022.

P.C.:-

1. The applicant was temporarily released on bail by the Sessions Judge, Greater Mumbai on 17/08/2020 on the ground of death of his grandmother.

2. On 27/04/2022 while considering the bail application of the applicant (Bail Application No.855 of 2022), this court noticed that the applicant has not yet surrendered and has filed an application claiming parity.

3. When learned counsel was confronted with this position, he undertook before this court that he will surrender before the Superintendent of Arthur Road Jail on 06/05/2022 by 11.00 a.m. and he sought permission to withdraw the bail application with liberty to file a fresh application.

4 Today, the application filed by him on 09/05/2022 is listed before me, and by this application, he seeks extension of 12 weeks' time to surrender before the jail authorities.

5. Heard Mr. Patil, learned counsel for the applicant and perused the application.

6. It is stated in the application that, in the night after the Eid of Ramzan, when he was travelling on the motorcycle in Ahmedabad, where his maternal uncle resides, he met with an accident and sustained severe injuries. He was admitted in Municipal Hospital and he has placed on record the documents from Sheth Lallubhai Gordhanbhai Municipal General Hospital. The clinical notes appended to the said documents refer to

swelling and mild tenderness on the left ankle. He was advised to undertake X-ray and certain tablets have been prescribed. The said notes, however, do not refer to any fracture.

7. Today, learned counsel for the applicant has placed on record a certificate dated 16/06/2022 from one private clinic of Dr. Chirag B. Patel, located in Chandlodia, Ahmedabad. The said certificate certify that the patient was clinically examined and diagnosed to have Fibula lower end and he was treated. The plaster was removed on 14/06/2022 and it is certified that the fracture was not completely resolved and, therefore, he was advised intervention within 15-20 days. The said certificate is taken on record and marked 'X' for identification.

8. Even if the applicant has suffered from a fracture and that too, on 04/05/2022, he has not bothered to surrender himself as per his undertaking. The applicant has definitely misused the liberty conferred on him since 17/08/2020, when he was released on temporary bail and from that day, till date, he has not bothered to surrender.

9. He is in breach of the order passed by the Additional Sessions Judge, Greater Bombay as well as in breach of the undertaking given to this court on 27/04/2022. The argument of Mr. Patil to the effect that his second bail application was pending on the ground of parity, cannot be a ground why he

could not abide by the conditions of bail. The present application is, therefore, rejected.

10. Since it is informed that the applicant is in Ahmedabad, unless he surrenders himself within three days from today, the Investigating Officer can proceed to Ahmedabad and effect his arrest.

[SMT. BHARATI DANGRE, J.]