

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

CRIMINAL APPEAL NO.509 OF 2021

Abdul Rehman Abdul Latif Shaikh @ Sonu Appellant

versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPEAL NO.518 OF 2021**

Abdul Rehman @ Sonu Abdul Latif Shaikh @
Sonu Azmi Appellant

versus

The State of Maharashtra ... Respondent

.....

- Mr. Gaurav Bhawani i/b. Mr. Abdul W. Khan, Advocate for Appellant .
- Ms. G. P. Mulekar, APP for State/Respondent.

**CORAM : S. S. SHINDE &
SARANG V. KOTWAL, JJ.**

DATE : 11th APRIL, 2022.

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1. Both these matters are interconnected.
2. In Criminal Appeal No.509 of 2021 the Applicant's substantive prayer is for his release on bail. In Criminal Appeal

No.518 of 2021, the challenge is to the order dated 13/11/2020 extending the period to file charge-sheet by 20 days. Both these matters arise out of the MCOC case and are interlinked. The main substantive prayer is for bail. Therefore instead of filing two separate Appeals, it is necessary that both the prayers are made in the same proceedings. Therefore liberty is granted to the Appellant to add the prayer in Criminal Appeal No.509 of 2021 to challenge the order granting extension of 20 days in filing the charge-sheet. In view of this liberty, the Criminal Appeal No.518 of 2021 does not survive and is disposed of.

3. As far as Criminal Appeal No.509 of 2021 is concerned, the substantive prayer is for bail. It is in the nature of interlocutory order. As per section 12 of the MCOC Act, the Appeal shall lie from the order of the Special Court, only if it is not an interlocutory order. Considering this provision and the exception provided u/s 12 of the MCOC Act, the matter is required to be treated as Criminal Application for bail.

4. Liberty is granted to the learned counsel for the Applicant to amend the title of this Appeal. Amendment shall be carried out at the earliest.
5. The office is directed to process the Appeal No.509 of 2021 as Criminal Application for bail and give appropriate number. After this exercise is done, the Appellant is at liberty to move before the appropriate Court.

(SARANG V. KOTWAL, J.)

(S. S. SHINDE, J.)