

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

ANTICIPATORY BAIL APPLICATION NO.1559 OF 2022

Zahoor R. Patel & Anr.

... Applicants

Vs.

State of Maharashtra

... Respondent

Mr. Rajiv Patil, Senior Advocate i/b. Mr. Anuj Tiwari for Applicants.
Mr. N. B. Patil, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATED : 26th September, 2022

P.C.:

1. Learned APP on instructions informs that "A" summary report is already filed as the applicant is not found involved in the offence.
2. This Court has already protected the applicant vide order dated 20/06/2022 thereby recording reasons.
3. In view of the aforesaid background, particularly having regard to the statement made by learned APP, the application has rendered infructuous.
4. The application stands disposed of.
5. A prayer is made for recalling of the order dated 13/09/2022 to the extent of saddling cost of Rs.10,000/- on senior police inspector of police station for failure to produce the investigation

papers.

6. From the papers which are produced by the Investing officer, it is brought to my notice that the wireless message about listing was received at around mid-night from the office of ADG. Since it was difficult in view of the long distance between the police station and the high court, to attend the proceedings with case papers a wireless message appears to have send to office of ADG seeking adjournment.

7. The fact remains that though the office of ADG perhaps appears to have received the wireless message but not communicated the same to the office of PP. As a sequel of above, learned APP was unable to bring the aforesaid fact to the notice of this Court.

8. As such, the order of saddling cost on Senior Police Inspector of the police station stands recalled as prima facie he is found to be not responsible for the production of papers.

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(NITIN W. SAMBRE, J.)