

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 1153 of 2022

Abdul Rahim Sheikh @ Faijan Eqbal Sheikh

Versus

State of Maharashtra, through Police Station Officer, Police Station
Hingna, Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Rizwan Ali, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 30th NOVEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 407 of 2020 registered with Police Station Hingna for the offence punishable under Sections 363, 376(3) of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. In this case, applicant was granted bail and during the period when he was on bail because of Covid-19 and for other reasons, he could attend the trial and therefore bailable warrant was issued, which was served on one of family members who did not disclose

it to the applicant, therefore, the applicant could not remain present before the trial Court. Thereafter, the trial Court issued non-bailable warrant against the applicant. Thereupon, the applicant was produced in the Court. Then, the applicant moved an application for grant of regular bail before the trial Court, which came to be rejected and therefore, the present application for grant of bail.

3. The applicant has filed an affidavit giving undertaking that he will attend the trial Court on each and every date except the personal exemption granted by the trial Court.

4. The applicant has given sufficient reasons for not attending the trial after he was released on bail and now he has given undertaking to attend the trial Court on each and every date of the trial. Hence, I am of the opinion that he should be released on bail.

5. There is one more reason to grant bail that is uncertainty about the period within which the trial will be culminated.

6. Though, learned Additional Public Prosecutor strongly opposed the present application on the ground that the offence is serious, however, learned Additional Public Prosecutor is not in a position to point out that after the applicant was released on bail in

the year 2020, State had moved any application for cancellation of bail. Therefore, at this stage, on this count the applicant cannot be denied the bail. Accordingly, I pass the following order.

- i. The criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No. 407 of 2020 registered with Police Station Hingna for the offence punishable under Sections 363, 376(3) of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned Police Station as and when his presence is required;
- iv. The applicant shall not tamper with the prosecution witnesses;
- v. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.12.01
18:05:31 +0530