

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.612 OF 2023

SHAIKH SADEK SHAIKH BASHIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. S. A. Patel h/f Mr. S. T.
Yaseen

APP for Respondent No. 1: Mr. G. O. Watamwar
Advocate for Respondent No. 2 : Mr. R. P. Cheble
(appointed)

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CORAM : R.M. JOSHI, J

DATE : AUGUST 09, 2023

PER COURT :

1. Appellant is behind bar pursuant to the non-bailable warrant issued by learned trial Court. He was taken in custody on 07th June, 2023. Application for bail under Section 439 of Cr.P.C came to be rejected by order dated 12.06.2023 on the ground that Appellant/Accused is irregular in attending the Court hearing.

2. Learned Counsel for the Appellant undertakes that the Appellant shall attend each date of the hearing before the trial Court unless exempted.

3. Learned APP and learned Counsel for the

informant opposed the said contention by submitting that because of absence of the accused, the trial is not proceeded with.

4. The appellant was enlarged on regular bail. The trial is in progress. The Appellant is in jail since 07.06.2023. The undertaking given by the Counsel for the Appellant on his behalf for regular attendance before trial Court is accepted. He cannot be kept behind bars by way of pre-trial sentence. In view of this, it is a fit case for allowing appeal. Hence, the order:

O R D E R

- (i) The Appellant shall be released on bail connection with C.R. No. 84 of 2017 registered with City Police Station, Beed for the offences punishable under Sections 354(a), 353, 294, 504, 506, 509 of IPC and Sections 3(1)(10), 3(1)(11), 3(1)(r)(s)(w), 3(ii)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) Bail before trial Court.
- (iii) Fees of Mr. Rahul Cheble, learned Counsel appointed for Respondent No. 2, is quantified @ Rs. 6,000/- (Rupees Six Thousand only) to be paid by High Court

Legal Services Authority Sub-Committee,
Aurangabad.

(R.M. JOSHI, J.)

Malani