

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3665 OF 2022****IN****CRIMINAL APPEAL NO. 1387 OF 2018**

Muin Mohamad Yusuf Kazi @ Moin

@ Rony Brigenja @ Hemant Shaha

...Applicant

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Rakesh R. Bhatkar with Mr. Mohan N. Deukule for Applicant.

Mr. Abhijit Desai Advocate for First Informant.

Mr. Ajay Patil, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 16th MARCH, 2023.****P.C.:-**

1. At the outset, Mr.Desai, learned Advocate appearing for first informant i.e. father of victim pointed out that, when the Applicant was released on parole leave, he was absconding from July 2022 and was to be arrested by Police and lodged to the Jail in September 2022. A crime bearing C.R. No. 264 of 2022 under Section 224 of the Indian Penal Code dated 11th July 2022 has been lodged with Ratnagiri City Police Station in that behalf.

2. The prosecution has expressed strong apprehension that, if the Applicant is now released on bail, he will not be available at the time of

hearing of present Appeal.

We find substance in the apprehension expressed not only by the prosecution but also by Mr. Desai learned Advocate for first informant/father of victim. We are therefore not inclined to release the Applicant on bail at this stage on that count alone.

3. Application is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)