

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

BAIL APPLICATION NO. 304 OF 2021

Mukesh Dattatray More ...Applicant
vs.
The State of Maharashtra ...Respondent

**ALONGWITH
INTERIM APPLICATION NO. 1503 OF 2023
IN
BAIL APPLICATION NO. 304 OF 2021**

Salman Salim Shaikh ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 1113 OF 2022
IN
BAIL APPLICATION NO. 2255 OF 2021**

Gulshanara Hammad Sayyed and Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

**ALONGWITH
BAIL APPLICATION NO. 2255 OF 2021**

Haroon Rashid Abdul Sattar Shaikh ...Applicant
vs.
The State of Maharashtra ...Respondent

**ALONGWITH
INTERIM APPLICATION NO. 3776 OF 2022
IN
BAIL APPLICATION NO. 2255 OF 2021**

Mohammed Amin Abdul Rehman and Ors. ...Applicants
vs.
The State of Maharashtra and Anr. ...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 1113 OF 2022
IN
BAIL APPLICATION NO. 2255 OF 2021**

Gulshanara Hammad Sayyed and Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

**ALONGWITH
INTERIM APPLICATION NO. 3776 OF 2022
IN
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Mohammed Amin Abdul Rehman and Ors. ...Applicants
vs.
The State of Maharashtra and Anr. ...Respondents

Ankit Pandey i/by Sandeep Mishra - Advocate for the Applicant in
BA 304/2021.

Mr. H. J. Dedhia – APP for the Respondent-State

Adv. Karansingh Rajput, Adv. Devendra M. Patil – Advocate for the
Applicant in BA 2255 of of 2021

Adv. Suraj Singh – For Intervenor in IA 1503 of 2023

API Sudhir Patil – EOW Thane City

CORAM : S. M. MODAK, J.

DATE : 23rd JUNE, 2023

P. C. :-

INTERIM APPLICATION NO. 1503 OF 2023

1. Heard learned Advocate for the Applicant, who is co-

accused. There are two bail applications pending before this Court one is Bail Application No. 304 of 2021 and another is Bail Application No. 2255 of 2021 which was heard on the last occasion.
It is part heard matter.

2. The Applicant-accused Salman Salim Shaikh wants to place certain materials on record because according to him he is first person who had approached the Police and lodged the complaint. This interim application filed only in Bail Application No. 304 of 2021 and not in Bail Application No. 2255 of 2021. Even it is submitted on behalf of the Salman Salim Shaikh that he has filed private complaint under Section 156(3) of the Criminal Procedure Code.

3. Learned APP submitted that even after investigation the Court is found that there is no truth in the allegation and there is B-summary report submitted to the Court of the Chief Judicial Magistrate.

4. Learned Advocate for the Applicant is not having any instructions so far as that development is concerned.

5. Be that it may, I do not think that the intervention of co-accused Salman Salim Shaikh is required while hearing these two

bail applications. Ultimately, these two bail applications will be decided on the basis of materials filed alongwith charge-sheet and on the background of the submissions made before this Court. So whatever may be the observations, it is presumed that they are made while deciding the bail plea. Merely because the learned Advocate who will be arguing the bail applications has made reference of the co-accused Salman Salim Shaikh, it does not mean that it will cause any prejudice to him while conducting the trial. Accordingly, Interim Application No. 1503 of 2023 is disposed of.

Bail Application Nos. 304 and 2255 of 2021

6. It is true that the Court has partly heard bail application No. 2255 of 2021 and yet learned Advocate in Bail Application No. 304 of 2021 has to start his arguments. Learned APP has filed affidavit-in-reply in both these matters.

7. Considering the time constraint, let both these applications be adjourned **11th July, 2023** as part heard.

8. Let both the counsel to file summary.

[S. M. MODAK, J.]