

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

CRIMINAL WRIT PETITION NO.3050 OF 2023

Mumtaz Mustafa Hussain Shah

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Akash Singh, i/b Akhilesh Singh, Advocate for Petitioner.
Mr. S.H. Yadav, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th SEPTEMBER 2023**

PC :

1. The Petitioner was the Accused No.4 in Sessions Case No.159 of 2013 pending before the Additional Sessions Judge, Kalyan. The case arises out of the C.R. No.I-122/2013 registered at Mahatma Phule police station under Section 395 of Indian Penal Code. The Applicant was granted anticipatory bail by the Additional Sessions Judge, Kalyan vide his order dated 18th June 2013. Learned Counsel for the Petitioner submitted that the Petitioner attended the trial regularly upto 2018 but after that, the case was transferred to four different Courts. After that, there was spread of Covid-19 pandemic. The Petitioner had gone to his

native place, therefore, he could not remain present. On 14th February 2023, the learned Judge issued non-bailable warrant against the Petitioner and his co-Accused. Learned Counsel for the Petitioner states that the Petitioner has no intention to evade the process of law. He is willing to attend all the dates in the Court in respect of the said Sessions case. He submitted that some protection be accorded to him.

2. I have considered these submissions. The Petitioner was granted anticipatory bail and today has shown his willingness to appear before the Court. Though his long absence is not really justifiable, one chance can be given to him on certain conditions so that his presence is ensured. Therefore, I am inclined to pass some protective order, so that the Petitioner can approach the trial Judge and pray for cancellation of non-bailable warrant.

3. Hence, the following order:

ORDER

- i) The execution of non-bailable warrant issued against the Petitioner in connection with Sessions

Case No.159 of 2013 pending before the Additional Sessions Judge, Kalyan is stayed till 31st October 2023 on the conditions that the Petitioner executes a PR. bond of sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties to the satisfaction of the trial Court.

- ii) The Petitioner can approach the trial Court in any time before 31st October 2023 to get the warrant cancelled on showing his bona fides.
- iii) With these observations, the Petition is disposed of.

(SARANG V. KOTWAL, J.)