

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

CRIMINAL APPLICATION NO. 927 OF 2025

Mohammed Fasihuddin

...Applicant

Vs.

1. The State of Maharashtra

2. Central Bureau of Investigation

...Respondents

Adv. Dilip H. Shukla a/w Adv. Najmi Murtaza a/w Adv. Steve Fernandes	Advocate for the Applicant
Adv. Kuldeep Patil a/w Adv. Saili Dhuru	Advocate for the Respondent-CBI

CORAM : S. M. MODAK, J.

DATE : 03rd SEPTEMBER 2025

P. C. :-

1. Not on board. Considering the fact that the trial court has issued non-bailable warrant, the matter is taken on board by way of Praecipe.
2. Learned Advocate Shri Kuldeep Patil appeared for Respondent No. 2-CBI. There is only prayer for quashing and setting aside order dated 21.07.2025 thereby issuing non-bailable warrant against this

applicant. The copy of the order is annexed at page no. 23. The learned Judge has quoted the circumstances why the bailable warrant is issued on 21.07.2025. Even there was a prayer for cancellation of warrant. It was rejected on 21.07.2025 and non-bailable warrant was issued against the present Applicant that is accused no. 1.

3. My attention is invited to an undertaking filed on behalf of the accused no. 1, on page no. 27. He has undertaken to remain present before the trial court. Learned Advocate Shri Kuldeep Patil has also explained the circumstances under which the trial court was required to issue non-bailable warrant.

4. Now the matter is fixed before the trial court on 11.09.2025 for return of the non-bailable warrant. The stage is recording further evidence of prosecution. PW No. 1 is already examined and his cross-examination on behalf of the present Applicant is closed. Today assurance is given on behalf of the Applicant that he will remain present before the trial court on the fixed date and he will participate in the trial. That is only concern on behalf of the CBI. Hence, petition can be disposed of.

5. I have dictated above events on the basis of the set supplied by

learned Advocate Shri Shukla. Ultimately, the endeavour of the trial Court is to proceed with the trial. In view of that following order is passed:-

ORDER

- (i) The order of issuance of non-bailable warrant against the Applicant-Accused No. 1 is stayed till 11/09/2025. This is stayed subject to the following conditions:-
 - (a) Applicant to apply for cancellation of non-bailable warrant before the trial court only after appearing in person and trial court to decide the same and also consider the bonafides of the applicant in appearing on his own.
- 6. The Applicant has undertaken to make the necessary application for cross-examination of PW No. 1; it will be considered on merits.
- 7. With these observations, the application is disposed of.

[S. M. MODAK, J.]