

Shabbir Mustaq Ahmad Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Jyoti Shah for Applicant
Mrs. S.D.Shinde, APP for the State
PI, Mr. Anant Shinde, Cuffe Parade Police Station, present.

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CORAM: R.M. Joshi, J.
DATE : 9th March 2026.

P.C.:

1. This is a peculiar case wherein the prosecution/ investigating agency has never sought custody of the Applicant in connection with Crime No.268 of 2009, registered at Cuffe Parade Police Station, Mumbai. It is only after filing of the Charge-sheet when the Applicant failed to remain present before the trial Court, warrant came to be issued against him.

2. When the Applicant sought cancellation of warrant, the learned Magistrate refused the said request on the ground that one of the offence is triable by the Sessions Court.

Subsequently, when the Application was moved before the Sessions Court, it came to be rejected on the ground that there are number of offences registered against him.

3. Learned counsel for the Applicant submits that there are about 40 FIRs registered against the Applicant and except for two, he pleaded guilty in all rest of the offences. Now only one offence remains wherein no custody was sought by the Investigating Agency of the Applicant. It is her submission that in such circumstances, the trial Court ought not to have rejected the Application for bail.

4. Learned APP opposed the application by contending that the offences registered against the Applicant are serious in nature. Though, it is not admitted by the learned APP that no custody of the Applicant was sought in C.R. No.268 of 2009, the material on record does not indicates.

5. Once it is held that the investigating agency never sought custody of the applicant in Crime in question, it was not justified on the part of the trial Court to reject the application for bail when pursuant to the issuance of

bailable warrant, applicant caused appearance before the court. Hence, the Bail Application deserves to be allowed in connection with C.R. No.268 of 2009 registered with Cuffe Parade Police Station, Mumbai. Hence, following order :

ORDER

(i) The Applicant-Shabbir Mustaq Ahmad Shaikh be enlarged on bail in C.R. No.268 of 2009 registered with Cuffe Parade Police Station, Mumbai on furnishing P.R. bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

(ii) The Applicant to attend all dates of hearing before the trial Court, unless exempted by the specific order.

5. The Bail application is allowed and disposed of in above terms.

[R.M. JOSHI, J.]