

ORDER BELOW (EXH.7) IN
SPECIAL CASE NO. 680/2021

Perused. Heard.

2] It is submitted that, one of the accused Shamim Nandawula is no more. The presence of applicants is necessary for completing the formalities for the postmortem of the accused Shamim. Only the applicants are her relatives available. It is also submitted that condition no. 6 is not made condition precedent for the release of the applicant on bail. The applicants have already furnished cash security in accordance with the orders of the Hon'ble Bombay High Court and therefore they be released. They undertake to either submits the Passport or to file the affidavit as directed within a week.

3] Application is opposed by the learned APP on the ground that, the applicants may not be released before fulfilling the condition no. 6. They can pray for escort to complete the formalities.

4] Learned APP on instructions submits that the passport of applicant Beka is with the police and is forwarded for verification. He submits that, passport of Hasan Ali is not seized.

5] Having heard the advocate for applicant and learned APP, is clear that passport of applicant Beka is with the police and so fulfilling of condition no. 6 in his bail order does not arise.

6] So far as, applicant Hasan Ali is concerned, considering the peculiar situation and considering the fact that the deposition of passport is not condition precedent, he can be directed to comply with it within a week from his release. It also needs to be mentioned that he cannot comply with said condition by remaining behind bars. Hence, the order.

ORDER

1. Application is allowed.
2. Applicants to comply condition no. 6 in the bail order within a week from the date of their release from the prison.
3. The undertaking given by the accused is accepted.

Date : 28.03.2022

(A. N. Mare)
Additional Sessions Judge,
Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : More C.H. (Stenographer G-II)

Court name : Shri. A. N. Mare
Additional Session Judge, Pune

Judgment/Order delivered on : 28.03.2022

Judgment/Order signed by P. O. : 29.03.2022

Judgment/Order uploaded on : 31.03.2022