

Ajay

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

ANTICIPATORY BAIL APPLICATION NO. 3616 OF 2024

Usman Nisar Ahmed Shaikh and Ors.

.. Applicants

Versus

State of Maharashtra

.. Respondent

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- Mr. Shambhu Jha a/w. Ms. Shradha Pandey and Mr. Ashwin Yadav, Advocates for Applicants.
- Mr. Javed Patel, Advocate for Complainant.
- Mr. Hitendra J. Dedhia, APP for Respondent – State.
- Mr. V.M. Mote, PSI Sakinaka Police Station present.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 02, 2025.

P.C.:

1. Heard Mr. Jha, learned Advocate for Applicants; Mr. Patel, learned Advocate for Complainant and Mr. Dedhia, learned APP for Respondent – State.

2. Complainant's cause is espoused by Mr. Patel, learned Advocate. He would submit that Complainant desires to file Intervention Application. I cannot advice to the Complainant, he may be free to do so. He has tendered across the bar the order passed by the Division Bench of this Court dated 13.12.2024 passed in Criminal Writ Petition (St.) No.17231 of 2024. I have seen the order dated 13.12.2024. Paragraph No.3 of the said order gives the following directions:-

“3. At this stage, learned Counsel for the petitioner states that the offence under Section 405 is also disclosed. Learned APP, on the instructions of Mr. V.M.Mote, PSI attached to Sakinaka Police Station, states that if during the course of investigation, Section 405 is disclosed, the same shall be added. Statement accepted.”

3. Mr. Patel, learned Advocate for Complainant brings to my notice that First Information Report is not yet amended nor any steps have been taken despite the above order.

4. Mr. Dedheia, after instructions from Mr. Mote, PSI attached the Sakinaka Police Station, who is present before me states that the aforesaid order shall be complied with within a period of two weeks from today.

5. After investigation, if the said Section 405 is added to the offence in the crime in question, it shall be intimated to the Advocate for Applicant.

6. In the meanwhile, no coercive steps shall be taken against the Applicants.

7. Stand over to **16th January 2025.**

[MILIND N. JADHAV, J.]

Ajay

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Date: 2025.01.02
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