

# SUPREME COURT OF INDIA

State of Maharashtra

Vs.

Mohd. Shahid N. Qureshi

(G Pattanaik and U Banerjee JJ.)

16.12.1999

## ORDER

**G.B. PATTANAİK, J.**

1. Leave granted.

2. This appeal is directed against the order of the learned Designated Judge granting bail to the accused respondent, who had mis-utilised his liberty granted and became terror in the area. The respondent is facing trial under the provisions of TADA before the learned Designated Judge, and is alleged to be a member of the known Dawood Ibrahim group. He was released on bail in October, 1993, but jumped bail, and it was formidable task for the investigating agency to again take him into custody. Two years after some time in September, 1995 herein Delhi, he was found to be having a forged passport in respect of which separate criminal proceedings is pending. After being taken into custody, a fresh application being filed, the learned Designated Judge considered the question of granting him bail, and by the impugned order has granted him bail, though with very strict condition. Learned Additional Solicitor General appearing for the state of Maharashtra contends that the facts situation of the present case are such that it was wholly improper for the learned Designated Judge to grant bail to the respondent. Mr. Khanwilkar appearing for the accused respondent, on the other hand, contended that no doubt the respondent has jumped bail, but that was under peculiar circumstances, and he further contends that the accused respondent being enlarged on bail for the last one year, and not having mis-utilised the same and no other allegation having been made, the Court should not interfere with the impugned order of the learned Designated Judge. Having examined the rival contentions, and having scrutinised the materials on record, we are of the considered opinion that the learned Designated Judge, has erroneously granted bail to the accused respondent. We therefore, set aside the said order of the learned Designated Judge, and direct that the respondent shall be taken into custody forthwith. The learned Designated Judge is, further,

directed to dispose of the pending proceedings as expeditiously as possible.

3. The appeal is disposed of.