



Uday S. Jagtap

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

CRIMINAL BAIL APPLICATION NO. 2632 OF 2022

Moinoddin Golder Aminoddin Golder .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Avnendra Kumar i/b Mr. A. Karim Pathan for the applicant
Mr. A.I. Satpute, APP for the respondent – State

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 13th MARCH, 2024.

P.C.

1. Learned APP submits that the applicant has already been granted bail by the co-ordinate bench of this Court on 29th November 2022 in Bail Application No.457 of 2022. The said application was filed on 3rd February 2022.

2. The present Bail Application No. 2632 of 2022 is again filed before this Court on 19th August 2022 through Adv. A. Karim Pathan. Adv. A. Karim Pathan is not present today. However, one Adv. Avnendra Kumar holding for Mr. A. Karim Pathan seeks an

adjournment. His request is rejected.

3. Upon being asked, Mr. Avnendra Kumar informed this Court that he is not duly registered with the Bar Council of Maharashtra & Goa. However, he submits that he has already applied for transfer of his membership to Bar Council of Maharashtra & Goa from Bar Council of Uttar Pradesh. He has not tendered any proof whether he has applied for membership of Bar Council of Maharashtra & Goa. However, he displayed his Bar Council of Uttar Pradesh Identity Card. The details are as under :-

**“ Bar Council of Uttar Pradesh
19, Maharshi Dayanand Marg, Allahabad-2**

C.O.P. No. 161946

Name – Avnendra Kumar
 Father Name – Shiv Shankar Yadav
 Address – V & PO. Ahmadpur,
 PS Zafarabad, Jaunpur
 Enrollment No. – UP02608/15
 Enrollment Dt. – 19/06/2015
 Date of Expiry of
 I-Card – 31/12/2022”

4. The Bar Council of Uttar Pradesh Identity Card issued in the name of Avnendra Kumar appears to have been expired on 31st December 2022.

5. Learned APP seeks time to take instructions in that regard. Learned APP invites my attention to a Notification regarding the conditions subject to which an Advocate can practice. Condition (3) contemplates;

“An Advocate who is not on the roll of Advocates of the Bar Council of Maharashtra shall not appear or act in any Court, unless he files a Vakalatnama along with an Advocate who is on the roll of Bar Council of Maharashtra and who is ordinarily practicing in such Court.”

6. Vakalatnama of Adv. A. Karim Pathan which is filed on record on behalf of the applicant – accused does not indicate name or signature of Mr. Avnendra Kumar, meaning thereby there is no Vakalatnama along with Adv. A. Karim Pathan who appears to be on the roll of Bar Council of Maharashtra, which is in breach of the aforesaid condition.

7. Let the copy of this order be immediately forwarded to the Chairman of Bar Council of Maharashtra & Goa to initiate appropriate action against Mr. Avnendra Kumar.

8. Conduct of simultaneously moving two different applications for bail before different benches in the same crime is indeed a very

serious act, which needs to be deprecated. Since the co-ordinate bench has already granted bail to the applicant by an order dated 29th November 2022, Registry is directed to immediately place the matter and this order before the Hon'ble Shri. Justice Karnik.

(PRITHVIRAJ K. CHAVAN, J.)