

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.146 OF 2015

Sk. Wasim @ Parcel Sk. Karim ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.Joydeep Chatterji, advocate for applicant

Mr.S.P.Dound, APP for respondent

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CORAM : M.T. JOSHI, J.

DATE : JANUARY 14, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is convicted by learned Addl. Sessions Judge, Nandurbar for the offence punishable under Section 392 of Indian Penal Code and sentenced to suffer R.I. for 5 years, is praying for his release on bail by suspending the substantive sentences.

3] The earlier application of the application i.e. Criminal Application No.3591 of 2014 was disposed of as withdrawn by this Court on 9th September, 2014 with liberty to move for final hearing of the pending appeal after preparation of the paper book.

4] Mr.Chatterji, learned counsel for the applicant, submits that the documents filed on record i.e. Exhibit "B", would show that the applicant's one year old daughter is suffering from `Spastic and Quadriplegic from Birth' and also from `West Syndrome' while, his wife is required to undergo surgery for abdominal hysterectomy for which purpose, present applicant's presence would be required. He further pointed that the applicant was released on bail during pendency of the trial, however, since on some dates, he was absent, he was, ultimately,

brought before the Court by execution of non-bailable warrant and thereafter, he was convicted.

5] Learned A.P.P. opposes the application.

6] Perused the papers. Considering the illness of the infant daughter of the applicant and the operation to be performed on his wife in nature of hysterectomy, and as the applicant has shown readiness to furnish the local surety, in my view, the applicant can be released on bail.

7] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicant be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing

local surety of the person residing within the territorial jurisdiction of the concerned trial Court.

[M.T. JOSHI, J.]

kbp