

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1537 OF 2015**[Imran Ahmed Chaudhari and ors. Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri Patel Shaikh Ashpak Taher, advocate for applicants
Smt. P.J.Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 13th April, 2015****PER COURT :-**

1] By the present application, the applicants are seeking their release on bail in connection with Crime No. 384 of 2013, registered with Jalna Taluka Police Station, District Jalna for the offences punishable under Sections 302, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

2] The only submission of the learned counsel for the applicants is that since no role is attributed against them in the first information report, they are entitled for release on bail. The first information report is not an encyclopedia of the prosecution case. Merely because the names of the applicants are not appearing in the first information report, they cannot claim that they should be released on bail.

3] Further, there is no dispute about the factual aspect which has been observed by the learned Additional Sessions Judge, Jalna, in order, dated 9.3.2015 about the status of the case. The charge is already framed on 18.2.2015. The case is fixed on 4.3.2015. However, the applicants are not ready for the trial and they are insisting for bail.

4] In this behalf, the learned Additional Public Prosecutor has submitted that on earlier occasion wrongly the learned Chief Judicial Magistrate granted bail in favour of the present applicants. The said order was challenged before the learned Additional Sessions Judge. The learned Additional Sessions Judge cancelled the bail granted in favour of the present applicants. Thereafter, it is pointed out that the present applicants were absconding.

5] In that view of the matter, the learned trial court has rightly observed while rejecting the application for bail that if the bail is granted to them, then the possibility of their absconsion cannot be ruled out. In view of the fact that charge is already framed and case is due for evidence and when in the past the accused were absconding, the present applicants do not deserve any discretionary relief by this court.

6] Hence, the application is rejected.

(V.M.DESHPANDE, J.)

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