

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1559 OF 2015

RAJU SING S/O GOPAL SINGH KALANI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr., Advocate h/f Mr. Ghanekar
Nilesh S.
APP for Respondent: Mrs. R. K. Ladda.

CORAM: T. V. NALAWADE, J.
DATED: 30th JUNE, 2015.

PER COURT:

1. The application is filed for bail. Previous application of the applicant was withdrawn when this Court had expressed that the Court was not inclined to grant the relief. Both the sides are heard.
2. This Court has gone through the record of investigation. In the incident dated 1st August, 1998, which took place in night time after 01.00 a.m., the present Applicant and 3, 4 other thieves forcibly broke open the door of the house of the complainant and they

took away gold ornaments and cash and also one radio from their house. The report was given immediately. During course of investigation the present applicant came to be arrested. Though in police station, the complainant identified the present applicant on 31st August, 1998 statement was given by accused under section 27 Cr.P.Code and he produced gold ornament, Mani, Mangalsutra. This article is identified by complainant. Thus, there is sufficient material to make out the case of offence punishable under section 395 of I.P.C. and this Court had expressed that this Court was not inclined to grant relief.

3. Learned counsel for the Applicant submitted that this Court had given direction to the trial Court to dispose of the matter within 6 months. He submitted that only one witness is examined and the case has not made any more progress. In view of this submission, report was called from the Presiding Officer. The Presiding Officer has reported that out of the 7 accused only 4 accused were traced and they were arrested but after releasing them on bail, they stopped turning up. As against the present applicant, 43 non-bailable warrants

were issued. Ultimtely he came to be arrested on 18th October, 2014 and since then he has been behind bars. Thus, in the past relief was granted to the Applicant but he misused the liberty and he avoided to come to the Court for facing trial. It appears that the case is now part heard. His Advocate is not cooperating and the Advocate was remaining absent even when witnesses were present. Such instances are quoted by the Presiding Officer in the report. The Presiding Officer has further reported that the record shows that when warrants were issued, reports were given by police that present applicant was not found on the address given by him. Even the sureties were not found on the address given by them.

4. The learned A.P.P. produced report of the police station showing that three more similar crimes were registered against him in the year 1995, 1998 and 1999. Some other cases under Bombay Prohibition Act were also filed against him. Thus, there is sufficient material and there are aforesaid circumstances against the applicant. Though in the present matter report is submitted by the police that accused has the permanent

place of residence, in view of the aforesaid circumstances, this Court holds that it is not desirable to release him on bail. This Court feels that he may abscond after getting released on bail, in view of his history and aforesaid circumstances. The application is rejected.

5. The trial Court is expected to expedite the matter, within four months from the date of receipt of this order, as the applicant has been behind bar for more than 8 months now.

[T. V. NALAWADE, J.]

Dt.30/06/2015
ans/1559