

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2058 OF 2015.

SHAIKH SHADULLA S/O SHAIKH YUSUF (ISAAK)
VERSUS
THE STATE OF MAHARASHTRA.

Appearance ==>

Mr. Surendra V. Suryawanshi, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 6th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No.41/2013 registered with Police Station, Parbhani (Rural), District - Parbhani for the offences punishable under Section.s. 379, 411, 413 of the Indian Penal Code. (Sessions Case No.125/2014 pending on the file of the learned Sessions Judge, Parbhani).

[2] I have heard Mr. Surendra V. Suryawanshi, learned counsel for the Applicant and Mr. A.V. Deshmukh, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Investigation is over. Charge sheet is already filed. The Applicant is shown as absconding. Other accused persons are already released on bail. Application filed by present Applicant is rejected by the learned trial court on the ground that for some time, the present Applicant was absconding.

[4] Merely because, for some time, the accused was found to be absconded; that by itself cannot be a ground to reject the bail application. That may be one of the factor for consideration, while evaluating the case of the prosecution.

[5] In the present case, except statement of co-accused there is no other material. Statements of co-accused is not admissible in law. In that view of the matter, present Applicant needs to be released on bail, that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SHAIKH SHADULLA S/O SHAIKH YUSUF (ISAAK) shall be released on regular on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.41/2013 registered with Police Station, Parbhani (Rural), District - Parbhani for the offences punishable under Section.s. 379, 411, 413 of the Indian Penal Code. (Sessions Case No.125/2014 pending on the file of the learned Sessions Judge, Parbhani).

(iii) Bail before Trial Court.

(iv) The Applicant shall attend the Police Station, Parbhani (Rural), District – Parbhani once in a week, preferably on every Sunday and shall remain present in the said Police Station between 11.00 a.m. to 1100 a.m, till Charge is framed by the learned trial court.

(v) With this Criminal application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)