

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3239 OF 2015**[Ismail s/o Hussenkhan Pathan Vs The State of Maharashtra & anr.]**

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

Court's or Judge's orders

Shri C.V.Thombare, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 7th July, 2015****PER COURT :-**

- 1] This is an application for bail.
- 2] Heard Shri C.V.Thombare, learned counsel for applicant.
- 3] The applicant is accused no.3 in Crime No. 29 of 2008, registered with Waluj police station, Aurangabad, for the offence punishable under Section 392 r/w 34 of the Indian Penal Code.
- 4] The investigating agency has completed its entire investigation and challan was presented before the court on 30.5.2008. Thereafter, the case was registered as R.C.C. No. 133 of 2008.
- 5] The present applicant was released on bail in the said crime. However, the present applicant remained continuously absent from the court. He failed to submit himself before the learned Judicial Magistrate, First Class, Gangapur. Therefore, to secure his presence, non-bailable warrant was issued against the present applicant.
- 6] On 27.11.2013 the applicant was arrested in execution of the said non-bailable warrant and he was produced before

the learned Magistrate. He was released on bail, however, even after such release, he continued his activity of not remaining present before the learned Magistrate, with the result the trial was unable to proceed. Since, the learned Magistrate was of the view that unless coercive action is taken against the present applicant, his presence will not be secured. Learned Magistrate was required to issue non-bailable warrant on second occasion. Accordingly, non-bailable warrant was issued and in the execution of the said non-bailable warrant, the present applicant was arrested and was produced before the court.

7] Thereafter, the present applicant filed an application Exh.48 in R.C.C. No.133 of 2008 for releasing him on bail. Learned Judicial Magistrate, First Class, Gangapur on 30.5.2015 rejected the said application for bail.

8] The applicant thereafter approached before the learned Sessions Judge, however, on 5.6.2015, the learned Additional Sessions Judge, Vaijapur also dismissed the application for bail.

9] Today, when the matter was called, learned counsel Shri C.V.Thombare submitted that the applicant be released on bail with the condition that he shall attend the police station. From the conduct of the present applicant, it is clear that the applicant has scant respect to the orders passed by the courts of law. He has a tendency to jump the bail. The offence against the present applicant is serious. Entire trial was held up due to continuous absence of the present applicant. In that view of the matter, no leniency can be shown to the applicant.

10] Hence, application is rejected.

(V.M.DESHPANDE, J.)