

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3398 OF 2015

Wanesh s/o Prakash Bhosale **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. R.S.Deshmukh, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 16th JULY, 2015

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PER COURT :

1. This is an application for grant of bail. Present applicant is one of the accused in Crime No. 146/2006 registered with Gevrai police station, District Beed for the offence punishable u/s 395 of the Indian Penal Code.

2. Heard Mr. R.S.Deshmukh, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. Applicant was arrested on 22/07/2006.

Subsequently, Court has granted bail in his favour and applicant was released on bail.

4. It was expected from the present applicant to attend Court regularly. However, learned trial Court found that the present applicant was continuously absent since long. Time and again non bailable warrants were issued against him. However, those were not executed for one or the other reason. Ultimately, notices to the sureties were issued and surety was forfeited and the amount of surety was credited to the Govt. Subsequently, non bailable warrant was issued against accused No. 1 and on 11/02/2015 under the execution of non bailable warrant, present applicant was arrested and produced before the Court.

5. Applicant moved application for bail. Said application was registered as Misc. Criminal Application No. 16/2015. The case was fixed on 18/04/2015 and also on 07/05/2015. However, learned counsel for the applicant did not remain present before the Court, hence the said application was rejected. Learned counsel for the applicant submitted that the application for bail was not considered by the learned trial Court and it was decided behind the back of the applicant.

6. Today, in the present application, fullest opportunity was given to the learned counsel for the applicant to submit his case as to how the applicant is entitled to be released on bail when he has jumped the bail and remained

absent continuously. No satisfactory reason is coming on record for his continuous absence from the Court necessitating the learned trial Court to issue non bailable warrant.

7. In that view of the matter, present Criminal Application is rejected.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3398.2015