

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

CRIMINAL APPLICATION NO. 4006 OF 2015.

NAMDEO DATTU KALE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Mobin H.Shaikh, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **12th August, 2015.**

Per Court :-

This is an application for bail. The Applicant is the accused in CR No. 68/2010 registered with Police Station, Gangapur, District Aurangabad for the offences punishable under Section/s 143, 147, 148, 149, 332, 353, 379, 307, 109, 504, 506 of the Indian Penal Code and under Section/s. 21(1)(2)(3)(4) of the Mines and Minerals Act.

[2] Heard Mr. Mobin H.Shaikh, learned counsel for the Applicant.

[3] Case is already committed to the court of sessions and pending as Sessions Case No.22 Of 2012.

The application filed by the Applicant for bail shows that, present Applicant was found to be absent, therefore, Non Bailable

Warrant was required to be issued against him. Record shows that, on earlier occasion i.e. on 12th February, 2015 warrant issued against the present Applicant to secure his presence before the court, was cancelled as per his prayer. In spite of that, the Applicant continued his habit of remaining absent before the court.

[4] The learned trial court, therefore, was required to issue Non Bailable Warrant against him and in execution of the said warrant, the Applicant was arrested and was produced before the learned Additional Sessions Judge, Vijapur.

The applicant moved an application Exhibit – 72 for bail, before the learned Additional Sessions Judge, Vijapur. Said application is at Exhibit – 72 in Sessions Case No.22/2012. The learned Additional Sessions Judge found that, Applicant is remaining absent continuously. Discretion was previously used in favour of Applicant. In spite of that, he continued his habit of remaining absent before the court. The learned court below noticed that due to absence of present Applicant, Sessions Case is being held, therefore, on 16th July, 2015 application Exhibit – 72 was rejected.

[5] It appears from the record that the Applicant has jumped the bail. He has tendency of absconding himself from the course of justice. Due to his repeated absence, trial of Sessions Case of the year 2012 is stalled. Hence, no case is made out. Hence, the order :-

ORDER

Criminal Application is dismissed.

(V.M. DESHPANDE, J.)