

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 582 OF 2015
IN
CRIMINAL APPEAL NO. 390 OF 1998**

Chandrakant Bapu Nawale. ... Applicant.

V/s.

The State of Maharashtra and Anr. ... Respondents.

Mr. Rakesh Bhatkar for the Applicant.
Smt. V.R. Bhosale, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

APRIL 30, 2015.

P.C. :-

This Application has been filed by the Applicant, who is Appellant in Criminal Appeal No. 390 of 1998 seeking his enlargement on bail.

2. The Applicant stands convicted for an offence punishable under Section 302 of the Indian Penal Code and is sentenced to imprisonment for life by the Additional Sessions Judge, Ratnagiri, by Judgment dated 4.3.1998. The Applicant being thus aggrieved by his conviction and sentence has filed Criminal Appeal No.390 of 1998 in this Court which is pending. The Applicant was released on bail by order of this Court

dated 25.3.1998. The order sheet of this Court dated July 2005 indicates that since none had appeared on behalf of the Appellant, this Court had issued a show cause notice to the Applicant as to why his bail should not be cancelled. Thereafter, the matter was adjourned at the behest of the Counsel for the Applicant. When the Appeal was called out for hearing on 5th March 2015, none had appeared on behalf of the Appellant and therefore, this Court cancelled the bail granted to the Applicant and directed the issuance of non-bailable warrant. It appears that the non-bailable warrant has been executed and the Applicant was produced before the Trial Court on 25.4.2015. Since March 2015 till today, none had appeared on behalf of the Applicant whenever the Appeal was called out for hearing.

3. However, since the Applicant has been on bail since 1998, we suspend the substantive sentence of imprisonment and release the Applicant on bail on the Applicant executing a PR bond in the sum of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court. We also accept the assurance given by Mr. Bhatkar, learned Counsel for the Applicant that he would remain present whenever the Appeal is called out for hearing. The Applicant shall attend the Rajapur Police Station on 1st Saturday of each month till the decision of the Appeal. The Appeal therefore be listed for final hearing before the Court on 11th June 2015.

4. Application allowed as indicated above.
5. Copy duly authenticated to be provided to the learned Counsel for the parties to act upon.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)