

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

BAIL APPLICATION NO.459 OF 2015

Ajay Shrikrishna Shelar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyavrat Joshi for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent - State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

This is an application for bail, filed by the Applicant herein, who is an accused No.4 in Sessions Case No.620 of 2013 pending before the Sessions Court, Pune.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State.

3. The records prima facie reveal that the Applicant was arrested on 23.12.2009 in Crime No.791 of 2009 registered at Haveli Police station, Pune. Subsequently upon completion of investigation, charge-sheet was filed before the J.M.F.C., Pune, and by order dated

24th March, 2011, the Applicant-accused was released on bail. Case came to be committed on 27th June, 2013. Since the Applicant herein had not remained present before the Sessions Court, the learned Sessions Judge issued warrant. He was produced before the Court on 15th October, 2013 and was taken into custody.

4. Mr. Satyavrat Joshi, the learned counsel for the Applicant has submitted that during the pendency of the case, the Applicant was arrested in Crime No.226 of 2013 registered at Sangvi police station, Pune. The learned counsel Mr. Joshi has submitted that the Applicant was unable to appear before the Sessions Court, since he was in custody in C.R. No.226 of 2013.

5. The learned APP does not dispute the fact that the Applicant herein was arrested on 20.6.2013 in Crime No. 226 of 2013. It is thus, evident that the absence of the Applicant was not deliberate but was due to his arrest in a subsequent crime. This fact was not brought to the notice of the above Sessions Judge and the same has resulted in cancellation of bail. Considering the above circumstances, the Applicant in my considered view is entitled for bail.

6. Hence, the application is allowed. The Applicant is ordered to be released on bail on furnishing bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

(ANUJA PRABHUDESSAI, J.)