

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 288 OF 2015
IN
CRIMINAL APPEAL NO. 1278 OF 2011

Shri Shantaram Maruti Vitkar	...	Applicant/appellant
vs.		
The State of Maharashtra	...	Respondents

Mr. Girish B. Badiger, Advocate for the applicant
Ms. Veera Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th March, 2015.

P.C.

Heard the learned counsel for the applicant.

2. The applicant herein was granted bail by an order dated 13.10.2011. This Hon'ble Court (Coram: J.H.Bhatia, J.) had suspended the substantive sentence and enlarged the applicant on bail. Same bail fresh bonds. It was noticed that the applicant had not furnished fresh bail bonds as directed by the Court. By an order dated 9.6.2014, this Court (Coram: Sadhana S. Jadhav, J.) had noticed that the applicant had not furnished the same bail and was at large without furnishing fresh bail bonds. Hence, this Court had issued non-bailable warrant against the applicant by an order dated 9.6.2014.

3. None appeared for the applicant on 9.6.2014 as well as on 18.11.2014. On 18.11.2014, this Court (Coram: Sadhana S. Jadhav, J.) had recalled the order dated 13.10.2011.

4. The learned counsel appearing for the applicant submits that due to mis-communication, the order passed by this Court was not communicated to the applicant by his lawyer and, therefore, he had not furnished bail bonds. Pursuant to the order passed by this Court, non-bailable warrant has been executed and the applicant has been taken into custody on 16.2.2015. The applicant, therefore, prays for grant of bail. Since the applicant was enlarged on bail by an order dated 13.10.2011, the applicant deserve to be enlarged on bail.

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(iii) The applicant shall furnish fresh bond within a period of four weeks from the date of this order, failing which the order granting bail stands cancelled.

(iv) The applicant shall report to the concerned Sessions Court once in six months on the date specified by the concerned Sessions

Court. Upon failure to attend on two consecutive dates, the concerned Sessions Court shall inform the High Court forthwith and take appropriate action.

(v) Leave to add/amend. Amendment to be carried out forthwith.

Application is disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)