

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1137 OF 2015

Vilas Goverdhan Sardar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Anjali Awasthi for Applicant

Ms. S. S. Kaushik APP for the State.

Ms. Smita Pawar, Paidhuni Police Station

**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : 21<sup>st</sup> JULY 2015**

**PC :**

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is charge-sheeted in crime no. 233 of 1999 for offence punishable under section 387 r/w 34 of Indian Penal Code.

2) By an order dated 25/10/1999, applicant was enlarged on bail. After completion of investigation, charge-sheet was filed. Charge was framed against accused on 06/01/2000. Applicant had remained absent thereafter and had not co-operated with the Trial Court. Non bailable warrant was issued against all the accused on 05/08/2003. Non bailable warrants were not executed and therefore, on 28/09/2005, proclamation was issued. Applicant was not found at the given address and therefore, summons could not be

issued. Court had to issue non bailable warrant against the accused intermittently. By an order dated 27/12/2010, standing warrants were issued against all accused. Accused Mukesh Bhatia is reported to have died on 04/06/2003 and present applicant was produced under arrest warrant on 17/04/2015 and since then he is in custody.

3) Learned counsel for the applicant submits that in fact there was no change of address and that applicant was residing at the same place, however, non bailable warrant executed.

4) The Court cannot be oblivious of the fact that applicant was granted bail on merits vide order dated 25/10/1999. Applicant has been in custody for the last three months and therefore, he deserves to be enlarged on bail upon an undertaking that he would attend all the scheduled dates at the time of trial. Without going into the merits of the matter, applicant is being enlarged on bail.

### **ORDER**

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more local sureties in the like amount.

- (iii) Applicant shall furnish his cellphone number/land line number to the Investigating Officer.
- (iv) After being released on bail, applicant shall given an undertaking to the Investigating Officer that he will attend all the dates at the time of trial.
- (v) Applicant shall attend the concerned police station on first Sunday of each month between 10.00 a.m. to 01.00 p.m., till the conclusion of trial.
- (vi) Upon failure to attend any two consecutive dates before the Court, prosecution would be at liberty to file an application under section 439 (2) of Code of Criminal Procedure, 1973 seeking cancellation bail.
- (vii) Application stands disposed of.

**(SMT. SADHANA S. JADHAV, J.)**