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

**CRIMINAL APPLICATION NO. 737 OF 2015
IN
CRIMINAL APPEAL NO. 954 OF 2010**

Bagelsingh Shivsingh Gil.

... Applicant.

V/s.

The State of Maharashtra.

... Respondent.

Mr. Ayaz Khan for the Applicant.

Mr. H.J. Dedhia, APP for the State.

**CORAM : P.V. HARDAS &
A.S. GADKARI, JJ.**

JULY 6, 2015.

P.C. :-

By this Application the Applicant has prayed that he may be permitted to surrender in this Court and has also prayed that this Court be pleased to pass orders regarding his release on bail. It appears that the Applicant was Original Accused No.3 in Sessions Case No.13 of 2009 for an offence punishable under Sections 21,22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. By Judgment of the learned Special Judge dated 20.5.2010, the Applicant alongwith the co-accused was acquitted by the Trial Court. The State being aggrieved by the

acquittal of the Applicant and others, filed Criminal Appeal No. 954 of 2010 in this Court. The Division Bench of this Court by order dated 22.11.2010 granted leave and admitted the Appeal. While admitting the Appeal, this Court directed that action under Section 390 of the Code of Criminal Procedure be taken against the Respondent - Accused.

3. Pursuant thereto, the Special Judge has issued non-bailable warrants against the Respondents/Original Accused. According to the Applicant, since a non-bailable warrant has been issued and he apprehends that he may be detained in Jail though he has been acquitted by the Trial Court in Special Case No.13 of 2009, the present Application has been moved. It is further stated that the Applicant is required to use a wheel-chair as the Applicant is 70% physically handicapped.

4. In our opinion, since the Applicant has been acquitted by the Special Judge, we cancel the non-bailable warrant issued against the Applicant by the learned Special Judge, Nasik, pursuant to the orders of this Court. We further direct that the Applicant shall surrender before the Trial Court on 8.7.2015. We further direct that the Applicant shall be released on bail on the Applicant executing a PR bond in the sum of Rs.10,000/- with one solvent surety in the like amount to the satisfaction of the Trial Court. Since the Applicant is immediately not in a position to furnish the solvent surety, the learned Special Judge shall release the Applicant on bail on his executing a PR bond in the sum of Rs.10,000/- as well as on

the Applicant depositing cash amount of Rs.15,000/-. We grant one month's time to the Applicant for furnishing the solvent surety of Rs.10,000/-. On such solvent surety being furnished by the Applicant, the cash security of Rs.15,000/- shall be refunded to the Applicant. The Applicant shall report his presence to the Bhadrakali Police Station once in three months i.e. on the first Saturday of the quarter between 8.00 a.m to 9.00 a.m. during the pendency of the Appeal.

5. This Application is allowed to the extent indicated above.

6. Copy duly authenticated be furnished to the learned Counsel for the Applicant. Parties to act on the authenticated copy of the order.

(A.S. GADKARI, J.)

(P.V. HARDAS, J.)