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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 981 OF 2015
IN
CRIMINAL APPEAL NO. 263 OF 1998**

Maruti Naghyaba Gophane	..	Applicant
V/s.		
The Sta`te of Maharashtra	..	Respondent.

Mr. K.S. Patil i/by Mr. P.S. Hagare for the applicant.

Mr. K.V. Saste, A.P.P. For the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 9th DECEMBER, 2015**

P.C. :-

Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. This application is filed for bail pending the hearing and final disposal of the above appeal. This Hon'ble Court by an order dated 31.3.1998 admitted the said appeal and the applicant was released on bail in the sum of Rs.5,000/- with surety in the like amount to the satisfaction of the trial Court. It appears that the appeal was placed for final hearing before the Division Bench on 5th Mach, 2015. In the meanwhile, the counsel for the applicant was elevated as Judge to this Court and the applicant failed to engage the services of another advocate. The Division Bench noted this fact and cancelled the bail granted by this Court by order dated

31st March, 1998. The Court also directed the trial Court to issue non bailable warrant against the applicant. In pursuance of this, the applicant is arrested and taken into custody and thereafter the present application is filed.

3. The statement is made by Mr. Patil, the learned counsel for the applicant that the applicant was on bail during the pendency of the appeal. Even though, he was convicted, an appeal was filed which came to be admitted and the applicant was released on bail as far back from 31st March, 1998. The applicant came to be arrested in pursuance of the non bailable warrant issued by this Court by order dated 5th March, 2015. The applicant has given explanation regarding the circumstances in which he could not engage the services of another advocate earlier. The applicant now has engaged another lawyer who has filed the Vakil patra in the above appeal. In these circumstances, we are inclined to release the applicant on bail in the sum of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court on the following conditions :

- (1) The applicant shall remain present at the time of final hearing of the appeal.
- (2) The applicant shall report Baramati Police Station once in the month.

The Criminal Application stands disposed of.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)