

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1758 OF 2015**

Asha Mayala Sunar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Balwant V. Salunkhe I/b Mr. Subhash Hulyalkar for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 1st OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks her enlargement on bail in connection with Sessions Case No. 723 of 2009, which arises out of C.R. No. 95 of 2008 registered with the Faraskhana Police Station, Pune, for the alleged offences punishable under Sections 344, 366, 323, 504 r/w 34 of the Indian Penal Code and under Sections 3, 4, 5 and 6 of the Prevention of Immoral Trafficking Act.
3. Learned Counsel for the applicant states that the applicant was arrested on 31st May, 2008 in connection with the aforesaid offences and

was thereafter enlarged on bail on 7th June, 2008. He submits that the applicant was initially attending the concerned Court on every date of hearing of case, however, subsequently as her Advocate was looking after the case and on account of some difficulties, she could not remain present at the time of hearing of the said case. He submits that as the applicant failed to remain present, the learned Trial Judge was pleased to issue a non-bailable warrant against the applicant. Pursuant to said non-bailable warrant, the applicant came to be arrested on 29th July, 2015 and was produced on 30th July, 2015 before the Trial Court. Learned Counsel for the applicant states that the applicant has been in custody since her arrest and that her non-attendance was neither deliberate nor intentional. He submitted that the applicant is ready to give an undertaking before the Trial Court that she will attend the hearing of her case on every date, except in exceptional circumstances.

4. *Prima facie*, no fault can be found in the order. However, only in view of the statement made by the learned Counsel for the applicant, the application is allowed on the following terms and conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Faraskhana Police Station, Pune, on every Sunday from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall give an undertaking to the Trial Court within one week of her release, that she will appear before the Trial Court on every date of hearing, except in exceptional circumstances;
- (iv) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (vi) The applicant to cooperate with the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
