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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2434 OF 2015

Prakash Bhuralal Jain

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Karan Bhosale i/b Neha D. Bhosale for Applicant.

Ms. S.D. Shinde, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 23rd December 2015.

P.C.

1 The applicant is seeking bail in CR No.I-158 of 2006 registered with Narpoli Police Station, Bhiwandi, District-Thane under Sections 411 and 413 of the Indian Penal Code.

2 The record discloses that the offence under Sections 457, 380 and other Sections of the Indian Penal Code was registered on the complaint of Chetan Ashok Jain dated 7.7.2006. The applicant was thereafter arrested and released on bail. It appears from the record that the applicant attended the Trial Court till 27.3.2012. However, he remained absent thereafter. A non-bailable warrant came to be issued against the

applicant. The applicant thereafter surrendered before the Trial Court on 20.11.2015. The applicant moved an application below Exhibit 19 for cancellation of non-bailable warrant and for his release on bail. The learned Trial Court by its order dated 20.11.2015 was pleased to reject the said application. The learned Trial Court also took the applicant in custody by discharging the surety. The applicant thereafter moved an application below Exhibit 24 before the Trial Court for his release on bail. That the learned Trial Court by its order dated 23.11.2015 was pleased to reject the said application by observing that, the applicant did not appear before the Trial Court since 27.3.2012 and there is no possibility of turning him up to the said Court thereafter. That due to non availability of the applicant, the Trial Court had to pass an order under Section 317 (2) of the Cr. P.C. thereby separating the trial and to proceed against the other accused persons. In the circumstances, the Trial Court was pleased to reject the application of the applicant. In the premise the present application for release of the applicant on bail is filed.

3 Heard Mr. Bhosale, the learned Counsel for the applicant. The learned Counsel for the applicant apart from submitting various legal aspects with utmost fairness submitted that his client has now learnt a lesson and he will not indulge into dodging the trial till its conclusion. He

therefore submitted that hereafter the applicant shall attend the trial scrupulously.

4 After taking into consideration the peculiar facts of the present case and the fact that after the knowledge that a non-bailable warrant has been issued, the applicant himself surrendered before the Trial Court on 20.11.2015 and since then he is in judicial custody. In the circumstances, I am inclined to release the applicant on bail.

5 Hence, the following order:

(i) The applicant be released on bail in CR No.I-158 of 2006 registered with Narpoli Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his his release from jail, the applicant shall attend the trial arising out of CR No.I-158 of 2006 on each and every date before the Trial Court without any excuse.

(iii) After his his release from jail, the shall provide the documents pertaining to his permanent residence along with telephone number to the Narpoli Police Station and to the Trial Court.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)

