

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.523 OF 2016

Rajendra Ramchandra Chauthmal,
Age 30 years, Occu. Labour,
R/o Bhim Nagar, Bhavsinghpura,
Aurangabad

..Applicant

Versus

The State of Maharashtra,
through Chavani Police Station,
Aurangabad

..Respondent

Mr A.S. Sawant, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 12th February 2016

PER COURT

Learned Counsel for the applicant, upon instructions, undertakes to attend the trial regularly.

2. The applicant claims that he was released on regular bail in Crime in question, i.e. I-79 of 2009, registered with Chavani Police Station, District Aurangabad, for the offences punishable under Sections 363, 376, 323, 506 read with Sec.34 of Indian Penal Code on 18/5/2009.

3. According to learned Counsel for applicant, the applicant attended Sessions Trial No.436 of 2010 for few days. However, as one of the accused i.e. accused No.3 remained absconded, the trial since was not proceeded he remained absent. According to him, applicant is behind bars, as non-bailable warrant issued against him was

executed when he attended the trial Court for its cancellation and his bail application was also rejected on 29/12/2015.

4. Learned A.P.P. submits that the order of cancellation of bail does not call for any interference as the applicant has not complied with the condition of bail by not attending trial.

5. In view of the undertaking given by the applicant that he shall attend the trial regularly, in my opinion, the applicant who was earlier released on regular bail, is entitled for release on bail subject to following conditions. Hence, I proceed to pass the following order.

ORDER

(I) The applicant shall furnish an undertaking to the Court below in Sessions Case No.436 of 2010, to the effect that he shall attend the trial on each and every date that will be fixed.

(II) He shall pay costs of Rs.5,000/- (Rs. Five thousand) which is to be deposited before the Sessions Court within a period of two weeks from today.

(III) A single failure on the part of accused may entail the learned trial Court to order cancellation of bail, without further notice.

(III) Bail on same terms on which he was released earlier.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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