

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1720 OF 2016

Balaji @ Balya S/o Santram Jadhav,
Age : 28 years, Occu : Labour,
R/o Dhor Galli, Basmath,
Tq. Basmath, Dist. Hingoli
(Presently in Parbhani Jail) .. Applicant

Vs.

The State of Maharashtra
Through Police Station Basmath,
Tq. Basmath, Dist. Hingoli .. Respondent

.....

Mr. Quadri Taher Ali, Advocate h/f Mr. Zia Ul Mustafa,
Advocate for the applicant
Mr. A.S. Shinde, APP for the respondent-State

.....

CORAM : M.T. JOSHI, J.
DATED : 06/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who was arrested on the basis of the non-bailable warrant issued by the learned Sessions Judge, due to the absence of the present applicant in Sessions Trial No. 35 of 2014 i.e. crime no. 127 of 2014 for the offences punishable under

section 307, 341 r/w. 34 of the Indian Penal Code and under section 4/25 of the Indian Arms Act, is praying for his release on bail.

3. He was earlier released on bail by the learned Judicial Magistrate First Class. It was his case that after his release, no summons was issued to him after filing of the chargesheet. He is suffering from tuberculosis and he has a small child.

. The learned Sessions Judge rejected the applications of the present applicant twice. First of the order dated 07/12/2015 would show that as the applicant remained absent on 19/1/2015, the charge could not be framed and even the warrant could not be served. Later-on the warrant was served.

4. Taking into consideration the overall facts and the fact that the present applicant is behind the bar since 03/12/2015, in my view, he can now be released on bail.

5. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.127 of 2014 registered with Basmath Police Station, Tq. Basmath, Dist. Hingoli, which is now Sessions Trial No. 35 of 2014 pending on the file of the learned Additional Sessions Judge, Basmath for the offences punishable under section 307, 341 r/w. 34 of the Indian Penal Code and under section 4/25 of the Indian Arms Act, upon his executing P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and also upon furnishing two sureties in the amount of Rs.15,000/- (Rs. Fifteen Thousand) each.

6. Application is accordingly allowed and disposed of.

Sd/-
[M.T. JOSHI]
JUDGE

arp/-