

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

CRIMINAL APPLICATION NO.2657 OF 2016

Rajendra Avdhutrao Kulkarni,
Age: 55 years, Occ: Business & Service,
R/o. Godawari Smruti, Oppo. Ganpati Temple,
Gurathi Galli, Parola, Ta. Parola,
District Jalgaon. ...Applicant

versus

The State of Maharashtra
through the Police Inspector,
Deopur Police Station,
Tq. and District Dhule. ...Respondent

WITH
CRIMINAL APPLICATION NO.2928 OF 2016
IN
CRIMINAL APPLICATION NO. 2657 OF 2016

Omprakash Dagajirao Patil,
Age: 38 years, Occ: Business,
R/o. House No. 4486, Lane No.8,
At/Post/Ta/Dist.Dhule. ...Applicant

versus

The State of Maharashtra
through Police Inspector,
Deopur Police Station, Dhule. ...Respondent

.....
Mr. V.D. Sapkal, Advocate for applicant
Ms. R.P. Gour, A.P.P. for respondent
Mr. P.B. Pawar, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 27th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No.2928

of 2016 seeking permission to assist the prosecution, same stands allowed.

2. On 19/03/2008 present applicant was released on bail in trial for an offence punishable under Sections 420, 452, 504, 506 read with Section 34 of the Indian Penal Code initiated against him bearing Regular Criminal Case No. 467 of 2008.

3. The applicant thereafter remained absent in the said trial, resulting into cancellation of bail. Learned Sessions Judge thereafter rejected the bail application of the applicant. As such, present application for releasing him on bail.

4. Mr. Sapkal, learned Counsel for the applicant would submit that the applicant regrets for default on his part in not attending the trial and undertakes that he shall attend each and every date in the trial and shall extend complete co-operation to learned Magistrate in expeditious disposal thereof and shall not seek exemption under whatsoever ground.

5. Learned A.P.P. opposed the application on the ground that the applicant is absconding person and it took lot of pains to police and family members were also not co-operating. Learned

Counsel for the complainant submits that trial be expedited.

6. Having regard to the fact that the applicant has given undertaking that he shall extend all co-operation to learned trial Court in expeditious disposal of the trial in Regular Criminal Case No. 467 of 2008 arising out of Crime No. 34 of 2008 and further undertaking that he shall not seek exemption and shall personally remain present during the trial, in my opinion, the application needs to be allowed on the following terms:-

(i) Before his release, the applicant shall pay costs of Rs.10,000/- (Rs. Ten thousand only) to the Library, High Court Bar Association, Bench Aurangabad and shall produce the receipt to that effect before the Registrar (Judicial).

(ii) The trial in the above matter, as observed, is expedited.

(iii) Undertaking is taken note of as is given by the applicant and same is accepted.

(iv) The applicant be released on bail on the same terms, on which, he was admitted on bail before learned trial Court.

7. The application stands allowed in above terms.

[N.W. SAMBRE, J.]