

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2913 OF 2016

Sambhaji S/o Vishwanath Waibhase,
Age-40 years, Occu-Agriculturist,
R/o Namewadi, Tal.Kaij,
Dist.Beed

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr.A.A.Khande, Learned counsel for the applicant.
Mr.C.V.Dharurkar, APP for the respondent/State.

(CORAM : SMT. SADHANA S. JADHAV, J.)

DATE : 11/07/2016

PER COURT :

1. Heard.

2. The applicant herein is charge sheeted for an offence punishable u/s 304(A) of the IPC and section 135 of the Indian Electricity Act. The charge sheet is filed in Crime No.195/2007.

3. It appears that the applicant herein was not attending the Court in S.C.No.39/2008. On 29/01/2016, the learned Trial Court was constrained to issue NBW against the present applicant. The NBW was executed on 13/04/2016. The applicant had prayed for suspension of the execution of NBW. However, the same was rejected. After execution also, the

application was rejected on 02/05/2016 on the ground that it is an old case. Learned Magistrate had taken steps only to secure the presence of the applicant as well as other co-accused, who happened to be the real brother of the present applicant.

4. Learned counsel for the applicant submits that the applicant has also filed an application seeking separation of trial and the said prayer has been granted. Section 304(A) of IPC is a bailable offence and the applicant is in custody since 13/04/2016. In view of this, the applicant deserves to be enlarged on bail. Hence following is the order :-

- [a] Application is allowed.
- [b] Applicant be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- (Rs.Fifteen thousand only) and one or two sureties in the like amount.
- [c] The applicant shall give an undertaking to the learned Magistrate that he shall remain present on all the scheduled dates in M.S.E.B.Special Case No.39/2008.
- [d] Upon failure to attend the Court on any two consecutive dates, the prosecution would be at liberty to file an application seeking cancellation of bail.

3. Application is allowed in the above terms and disposed of.

(SMT. SADHANA S. JADHAV, J.)