

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3649 OF 2016

IN

CRIMINAL APPEAL NO.707 OF 2003

Santosh s/o Balwantrao Ghorpade,
Age-64 years, Occu:Nil,
R/o-Nisarga Colony, Pethe Nagar,
Bhavsingpura, Aurangabad

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr. Amol N. Kakade, A.P.P. for Applicant.
Mrs. V.N. Patil-Jadhav, Advocate for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 13TH JULY, 2016

ORDER :

1. Perused earlier orders of this Court and the reasons why non bailable warrant was required to be issued. When bailable warrant is issued, it comes back with the remark that Appellant is not

residing at the given address and when non-bailable warrant is issued, suddenly Accused knows and comes to seek cancellation. It shows the approach not to be bonafide.

2. It is stated that the address of the accused has also changed. There is no reason why, when the accused had given bail in the trial Court and if his address is changed, he should not have informed the counsel nor this Court nor to the Court where bail has been given. He did not ensure that the counsel duly instructed was present when the matter was taken up. As such, subject to payment of costs of Rs.3,000/- (Rupees Three Thousand), the non-bailable warrant shall stand withdrawn. If the cost is paid, the Hamdast recalling the non-bailable warrant be issued to the accused through counsel so as to serve the same to the concerned police station / trial Court.

3. If the costs are paid and the warrants are called back, the Applicant - original accused shall be further liable to submit fresh P.R.B. and S.B. in the sum of Rs.15,000/- (Rupees Fifteen Thousand) in the trial Court giving his present address. While admitting the Applicant to bail trial Court shall further add condition that Accused shall mark his presence in the trial Court every three months till disposal of the present Appeal. The trial Court shall send yearly report in January, about compliance regarding appearance of the accused.

4. The Criminal Application stands disposed of, accordingly.

[A. I. S. CHEEMA, J.]