

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

26 CRIMINAL APPLICATION NO. 5142 OF 2016

PRABHULAL S/O SITARAM INDORA

VERSUS

THE STATE OF MAHARASHTRA

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Mr. P.B.Vikhe Patil, Advocate for Applicant.

Mr. S.P.Sonpawle, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 26th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 75/2001 registered at Rahata police station, Dist. Ahmednagar for the offences punishable u/ss 304-A, 279, 338, 337, 427 of the Indian Penal Code and u/s 184 of the Motor Vehicles Act, by this application is praying for releasing him on bail.

2. Heard learned counsel for the applicant. He submitted that because of transfer of jurisdiction and establishment of the Court at Rahata, the applicant lost track of his case and, therefore, non bailable warrant came to be issued against him. The learned counsel, therefore, relying

on the Judgment of the Apex Court in the matter of *Sanjay @ Bablu @ Keja Vs. State of Gujarat reported in (2002) 10 Supreme Court Cases – 403* submits that the applicant be released on bail by ignoring the fact that he is resident of other State.

3. The learned A.P.P. opposed the application.

4. Perusal of the papers of investigation goes to show that criminal case is protracted because the applicant was absconded for a period of 10 – 11 years. Ultimately, his presence was secured by issuing non bailable warrant against him. This conduct of the applicant demonstrate that he may not be available for trial even in future also. The ruling so cited is to the effect that a person residing in other State, should not be deprived of liberty with an apprehension that he may abscond from the jurisdiction of the Court. The point is whether the Court is assured of the availability of the applicant for the trial. Past conduct of the applicant shows that he may not be available for trial. Hence, no case for bail is made out.

5. At the same time, it is seen that the criminal case against the applicant is an old matter and as such it needs to be disposed of in time bound manner. Therefore, the following order.

(i) The Criminal Application stands rejected.

(ii) The learned J.M.F.C., Rahata, District Ahmednagar is directed to decide the criminal case bearing STC No. 1572 of 2005 against the applicant within a period of 2 months from the date of receipt of the Order of this Court.

[A.M.BADAR, J.]

KNP/Cr.Apln. 5142.2016