

Criminal Application No. 5545 of 2016

.. Applicant.

.. Respondent.

DATE : 27TH OCTOBER 2016

The applicant / accused in Crime No. I-93/2010 registered with MIDC Waluj Police Station, District Aurangabad, for offences punishable under Sections 452, 307 and 504 of the Indian Penal Code, by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant came to be arrested in execution of the non-bailable warrant against him and was produced before the learned Addl. Sessions Judge, Vaijapur, on 02.11.2015 and since then he is behind the bar. The learned Counsel further argued that in all seven witnesses are examined but some of them are not cross examined by the applicant / accused and therefore they are sought to be recalled.

3. The learned Addl. Public Prosecutor opposed the application by submitting that the applicant is in habit of remaining absent and he is not cooperating the trial Court in disposing the trial.

4. Perused the record made available. It is seen that the learned Addl. Sessions Judge, Vaijapur, has noted that the applicant is filing applications for recalling the witnesses and he remained absent on several occasions. It is well settled that bail can only be granted if the Court is assured of presence of the accused for trial. The learned Counsel for the applicant made a statement that henceforth the applicant / accused will attend each and every date of hearing and he will not protract the trial for any reason including absence of the learned Counsel for cross examining the prosecution witnesses.

5. Considering the statement so made by the learned Counsel for the applicant, I am of the opinion that further pre-trial detention of the present applicant is not necessary. The statement so made is accepted.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused in Crime No. I-93/2010 registered with MIDC Waluj Police Station, District Aurangabad, for offences punishable under Sections 452, 307 and 504 of the Indian Penal Code, be released on bail on his executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant / accused shall abide by the following directives :-

(i) The applicant shall not tamper with the prosecution evidence in any manner and he shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) The applicant shall attend each and every date fixed for hearing the trial against him and he shall not protract the trial for any reason.

(iii) The applicant shall cooperate the learned Addl. Sessions Judge in expeditious disposal of the trial against him.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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