

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

Criminal Application No. 5546 of 2016

District : Ahmednagar

Kiran Dagdu Bhokre,
Age : 25 years,
Occupation : Agriculture &
 Labourer,
R/o. A/p. Sawantsar,
Taluka : Kopargaon,
District : Ahmednagar.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Rahata, Taluka Rahata,
District Ahmednagar.

.. Respondent.

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Mr. K.B. Borde Patil, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 25TH OCTOBER 2016

ORAL ORDER:

The applicant / accused is seeking his release on bail in Crime No. I-46/2014 registered with Rahata Police Station, Taluka Rahata, District Ahmednagar, for offences punishable under Sections

363, 363A read with Section 34 of the Indian Penal Code.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by contending that despite being released on bail, the applicant / accused absconded which has resulted in issuance of non-bailable warrant against him. Therefore, according to the learned Addl. Public Prosecutor, the applicant is not entitled for bail.

4. It is seen from the record that the applicant and co-accused Prem Padwalkar were already released on bail during investigation of Crime No. I-46/2014 for offences punishable under Sections 363, 366A read with Section 34 of the Indian Penal Code. It is alleged that the present applicant had kidnapped minor daughter of informant Sangita Nawale. Thereafter the charge-sheet came to be filed and accordingly the criminal case came to be registered against the applicant and the co-accused. During pendency of that criminal case, the applicant and co-accused remained absent resulting in issuance of the non-bailable warrant. It is seen that the present

applicant himself appeared before the learned Judicial Magistrate (F.C.), Rahata, and sought cancellation of the non-bailable warrant. However, the said application is rejected and the applicant was taken in custody. His bail application came to be rejected by the learned Addl. Sessions Judge, Kopergaon, with a reasoning that there is delay in committal of case as the applicant absconded.

5. Prima facie it is seen that the applicant never intended to delay the trial as he himself appeared before the learned Judicial Magistrate (F.C.) and sought cancellation of the non-bailable warrant. The non-bailable warrant against him was not executed. This shows bona fides of the present applicant.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, 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, 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 not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against him.

(iii) The applicant shall not repeat commission of similar type of offences in future.

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

(A.M. BADAR)
JUDGE

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