

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

CRIMINAL APPLICATION NO.5625 OF 2015

Ashok s/o Tulshiram Pawar,
Age 57 years, Occu. Labour,
Permanently residing at village
Domegaon, at post Yesgaon,
Taluka Ganpur, Dist.Aurangabad

..Applicant

Versus

The State of Maharashtra,
through the In-charge,
Police Station, Walunj, Aurangabad

..Respondent

Mr A.S. Shejwal, Advocate for applicant
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th January 2016

PER COURT

Heard.

2. Learned Counsel for the applicant submits that the applicant is shown to be an accused in Crime No.I-06/2003, registered at Waluj Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 149, 307, 332, 333, 336, 353 of Indian Penal Code, under Section 4/25 of the Arms Act and under Section 135 of Bombay Police Act.

3. In the said case, applicant was released on regular bail, however, after the sessions trial was transferred from Aurangabad to Vaijapur Court, the applicant remained absent, as he was not well. According to applicant, there are no criminal antecedents and applicant holds immovable property in the jurisdiction of said Court.

Learned Counsel relies upon the medical papers in relation to the applicant and submits that the applicant needs immediate medical attention.

4. Learned A.P.P. opposed the application on the ground that the applicant was responsible for protracting the trial in offence punishable under Section 302 of Indian Penal Code.

5. Perused papers produced by the applicant. It is no doubt true that the applicant's bail came to be cancelled in view of his absence, however, he has given undertaking through his Counsel before this Court that he shall not avoid the trial anymore and shall not protract the same. The learned Counsel for the applicant would submit that the applicant is ready to abide by the conditions as are imposed by this Court.

6. Having regard to the fact that there are no criminal antecedents against the applicant, who holds immovable property and also undertaken that he shall not protract the trial, present application stands finally allowed in terms of prayer clauses (A) and (B), subject to applicant depositing amount of Rs.50,000/- (Rs. Fifty thousand) before the learned trial Court towards security with one surety in the like amount and also to furnish undertaking that he shall not avoid or protract the trial.

7. Criminal Application stands allowed in above terms.