

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6368 OF 2016

Shaikh Akhtar Shaikh Kasam,
Aged : 30 years, Occupation : Driver,
Residing at Village Shekta,
Tq. Gangapur, District : Aurangabad .. Applicant

Vs.

The State of Maharashtra
Through the Police Inspector,
Police Station, Khultabad,
Aurangabad .. Respondent

Mr. A.S. Shejwal, Advocate for the applicant
Mr. C.V. Dharurkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 09/12/2016

ORAL ORDER :

Heard.

2. The applicant, who has been arrested pursuant to issuance of non-bailable warrant, seeks his release on bail.

3. The applicant is accused in Crime no.I-136 of 2009 registered with Khultabad Police Station, Dist. Aurangabad for the offences punishable under Section

394, 395, 307, 353, 427, 332 of the Indian Penal Code.

4. The Sessions Court was pleased to enlarge the applicant on bail by order dated 16/12/2009 subject to executing personal bond of Rs.50,000/-. Thereafter, the case was committed to the Sessions Court on 13/1/2010. As the applicant did not remain present before the Court, non-bailable warrant came to be issued on 26/5/2016. Thereafter, on 12/9/2016, the applicant was taken in custody. Hence, the present application.

5. It is submitted by learned counsel for the applicant that the applicant was not aware that the surety has expired and hence a statement was made that the surety was alive. It is submitted that considering the fact that the trial Court had initially released the applicant on bail on 16/12/2009, he may be so directed to be released, by imposing appropriate conditions.

6. The application is opposed by learned Additional Public Prosecutor. It is submitted that the learned Sessions Judge was justified in rejecting the bail application as proper sureties were not furnished

by the applicant. It is submitted that in case the applicant is to be released, strict conditions be imposed, so as to enable his presence before the trial Court.

7. Perused the documents on record. Same indicates that on 16/12/2009, the applicant was released on bail after noticing that investigation was complete and chargesheet was already filed. Subsequently, due to his absence before the trial Court, warrant for his arrest came to be issued. It was noticed that one of the sureties was dead. Considering the fact that applicant was initially released on bail in the year 2009, he can be so directed to be released, subject to imposing conditions, which would facilitate his appearance before the trial Court.

8. According, the following order :-

ORDER

I) Applicant is directed to be released on bail pursuant to his arrest in Crime no.I-136 of 2009

registered with Khultabad Police Station, Dist. Aurangabad for the offences punishable under Section 394, 395, 307, 353, 427, 332 of the Indian Penal Code, upon furnishing P.R. bond of Rs.20,000/- with one surety in the like amount.

II) The applicant shall attend the Court of learned Sessions Judge on 20th of each month and, thereafter, as per the directions of the learned Sessions Judge of the Sessions Court.

III) It is made clear that absence without justifiable reason, would render liberty of the applicant being forfeited.

9. Criminal Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/