

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.58 OF 2016

Raju @ Rajendra Bhagwan Khot ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Umesh H. Pawar for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 13th JANUARY, 2016.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.41 of 2014 pending on the file of Additional Sessions Judge, Vaduj. The Applicant herein was arrested in C.R. No.60 of 2012 registered at Dahiwadi Police Station, District-Satara, for the offences punishable under sections 141, 143, 144, 147, 148, 149, 363, 511, 452, 354, 324, 325, 504 and 506 r/w. 149 of the IPC under section 37(1)(3), 135 of the Bombay Police Act, 1951. By order dated 15.2.2014 the Applicant was released on bail on furnishing bail bond of Rs.15,000/- with one surety. The case was committed to the Court of Sessions. The Applicant failed to

remain present hence, warrant was issued and the notice was issued to the surety. The surety had produced the accused and the surety was discharged and the Applicant was taken into the custody.

3. The learned counsel for the Applicant has submitted that the Applicant was employed at Ratnagiri and that he was not aware of the date of the case. He has stated that he is the only earning member and that his family including two children are put to hardship because of his detention. The learned counsel for the Applicant has submitted that the Applicant is ready to furnish fresh surety and undertaken to abide by all the terms and conditions imposed by the Court.

4. The learned APP for the Respondent-State has submitted that the Applicant had not given sufficient cause for not remaining present before the Sessions Court. She therefore, contends that the Applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. As stated earlier, the Applicant was initially granted bail and was taken into custody for violation of the conditions of the bail. The learned counsel for the Applicant has stated that the

Applicant is the only earning member of the family and that he was employed at Ratnagiri and therefore he was unable to appear before the Court.

6. Considering the said grounds and also considering the fact that the Applicant has undertaken to remain present on each and every date of hearing of the Sessions Case No. 41 of 2014, the application is allowed on the following terms and conditions:-

(i) The Applicant is ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety to the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Dahiwadi.

(ii) The Applicant shall remain present before the concerned Sessions Court on each and every date of hearing of the Sessions Case and/or as and when required by the Sessions Court.

(ANUJA PRABHUDESSAI, J.)