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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 120 OF 2016

Prasad Gopal Poojari

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. P.R. Dave for applicant.

Ms. S.S. Kaushik, APP for State.

Mr. B.R. Gerande, P.I., Andheri Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 10th February 2016.

P.C.

1 This is an application for bail. The applicant is an accused in CR No.295 of 2014 registered with Andheri Police Station, Mumbai under Section 370(3) read with 34 of the Indian Penal Code and Sections 4, 5 and 6 of the Prevention of Immoral Trafficking Act.

2 The applicant was released on bail by the learned Trial Court by its order dated 24.9.2014. While releasing him on bail, the applicant was directed to attend the Andheri Police Station on every Saturday between 3.00 p.m. to 4.00 p.m.. After completion of the investigation, the

chargesheet is filed.

3 It appears from the record that the applicant did not remain present before the Trial Court on three consecutive occasions and therefore the Trial Court was pleased to issue non-bailable warrant against the applicant on 1.12.2015. The record further discloses that the applicant himself appeared before the Trial Court on the returnable date i.e. on 4.1.2016. The Trial Court in its order dated 4.1.2016 observed that no report of non-bailable warrant against the accused No.3 (applicant herein) was received. That he was present before the Court and was taken into custody. It appears that the Advocate for the applicant thereafter moved an application for his release on bail below Exhibit 6 in Sessions Case No.806 of 2015. The learned Trial Court by its order dated 11.1.2016 rejected the said application on the ground that the applicant did not attend the Police Station after filing of chargesheet and was absent before the Trial Court for two consecutive dates. The learned Trial Court has relied upon the guidelines and/or directions issued by the Division Bench of this Court in Criminal PIL No.4 of 2015 as one of the ground for rejecting the said bail application of the applicant.

4 Heard the learned Counsel for the applicant and the learned APP for State. I have also perused the record.

It is the fact that the applicant did not remain present before the Trial Court on two consecutive occasions, however, it is to be noted here that after issuance of non-bailable warrant, the applicant himself appeared before the Trial Court on 4.1.2016 and filed application for cancellation of warrant issued against him. It appears to me that the applicant did not have any intention to jump the condition of the original bail order and to avoid the trial. After taking into consideration the aforesaid fact, I am of the opinion that the applicant has made out a case for his release on bail.

5 Hence, the following order:

(i) The applicant be released on bail in CR No.295 of 2014 registered with Andheri Police Station, Mumbai on his furnishing PR bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(i) After his release from jail, the applicant shall attend the Trial Court on every Monday between 11.00 a.m. to 1.00 p.m. This condition is in addition to the condition that he shall attend all the dates before the Trial Court.

(iii) It is made clear that any two consecutive defaults shall attract the provisions of Section 439(2) of Cr. P.C. and the Prosecuting Agency

will be at liberty to file an application for cancellation of bail.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)