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

CRIMINAL APPLICATION NO.1040 OF 2016

Karan Arun Khare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Anil Galgali, for the Applicant.

Mr.S.R.Agarkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 1st SEPTEMBER, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the Applicant seeks the following substantive prayer:-
 - (a) That this Hon'ble Court be pleased to quash and set aside the impugned order dated 16.08.2016 passed by the Learned District Judge-5 and Additional Sessions Judge, Thane in Sessions Case No.236 of 2015 and restore the bail bond furnished by the Applicant before the Learned Trial Court.

3. Learned Counsel for the applicant states that the applicant will be put to tremendous hardships, if the order dated 16th August, 2016, issuing NBW against him and notices to his surety and forfeiture of the bonds, is not quashed and set aside. He submitted that the Advocate appearing for the applicant reached 10 minutes after the impugned order was passed and filed an exemption application of the applicant/accused on the ground that the applicant was unwell, however, the said application was rejected as the impugned order was already passed. He submits that the applicant was unwell on the said day and hence could not attend the Court. He submitted that there was no intention on the part of the applicant to flout the order of the Court or to remain deliberately absent.

4. Learned Counsel for the Applicant has tendered an undertaking of the Applicant. The same is taken on record and marked 'X' for identification. The applicant undertakes that he will attend the trial Court on every date of the hearing either personally or through his Counsel and that he will abide by every direction given by the Trial Court.

5. Perused the papers. Considering the undertaking and the statement made by the learned counsel for the applicant, on instructions of the applicant, that he will attend the trial Court on every date of the hearing either personally or through his Counsel and that he will abide by every direction given by the Trial Court, that the application is being allowed. The applicant to file a undertaking stating the aforesaid in the Trial Court.

6. Accordingly, the Application is allowed in terms of prayer clause (a) and disposed of in above terms.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.