

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1172 OF 2017

Anna Vishwanath Hiwale

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. M.A. Patil (Dond), Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 20th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard.

2. Chargesheet is filed against the present applicant and his son for the offences punishable under sections 363, 366-A, 376, 34 of Indian Penal Code. The son of the applicant is absconding. It appears that the applicant also did not turn up to face the trial, so non bailable warrant was issued against him after releasing him on bail. He was granted bail in the year 2014. But after issuance of non bailable warrant, he was arrested on 13.9.2016 and since then he is behind bars.

3. The Sessions Court has refused bail to the present applicant by observing that he is not co-operating in trial and he has not turned up to face the trial. This Court has perused the papers of investigation. If the main accused, son of the present applicant, is absconding, the case of the present applicant can be separated and it can be tried. It appears that the main accused is convicted for the offence punishable under section 302 of I.P.C. and in that case, in appeal, he got bail and since then he is absconding. Thus, it is desirable that the case of the present applicant is separated and it is tried separately. The case cannot be kept pending till the main accused is traced.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is to cooperate the Court for trial of the case. He is to appear before the Trial Court on 3.4.2017.

[T.V. NALAWADE, J.]

ssc/