

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1996 OF 2017
IN
CRIMINAL APPEAL NO.708 OF 2014**

Gangabhishan Gopinath Pawar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Suhas B. Ghute, Advocate for the applicant
Mr.S.N. Morampalle, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 02.05.2017**

P.C. :-

. The applicant/accused was acquitted by the trial Court. Being aggrieved by the judgment and order of acquittal the State Government has preferred the appeal which came to be admitted vide order dated 24.11.2014. On admission direction was given to take action under Section 390 of Cr.P.C. In spite of issuance of bailable warrant and service the applicant has failed to appear and furnish the bail to the satisfaction of the trial Court. In this view the non-bailable warrant came to be issued and the applicant has been taken into custody and remanded to the jail.

2. On arrest of applicant the applicant was produced before learned J.M.F.C., Jalna. On production before the J.M.F.C., Jalna the applicant had moved application to release him on bail. However the learned J.M.F.C. has rejected the application. Learned J.M.F.C. has observed that looking to the past conduct of the applicant there is every likelihood that the applicant may abscond.

3. Heard the learned counsel for the applicant and APP for the respondent/State.

4. Having appreciated the submissions advanced I am of the view that pending disposal of appeal the applicant deserves to be enlarged on bail. The applicant was tried for committing the offence under Section 324 of the Indian Penal Code. On conclusion of the trial the trial Court has acquitted the applicant/accused. Looking to this fact it is not desirable to keep the applicant in jail till disposal of the appeal. In order to avoid the apprehension that the applicant may abscond I am inclined to allow the application on the following conditions.

ORDER

I) Application is allowed in terms of prayer clause-(B).

II] Pending disposal of appeal the applicant namely Gangabhishan Gopinath Pawar be released on bail on his furnishing bail in the sum of Rs.50,000/- with one surety in like amount on the following conditions.

a) The applicant shall mark his attendance before the Police Inspector, Kadim Jalna Police Station, Dist. Jalna on every month of last day in between 10.00 a.m. to 11.00 a.m. till final disposal of the appeal.

b) The applicant shall furnish the names and addresses of his 3 close relatives with phone numbers.

c) In the event of change in address the applicant shall intimate concerned Police Station as well as this Court.

d) During pending of the appeal the applicant shall personally attend each and every date of hearing before this Court.

III) In the event of breach of any of the conditions, the bail granted to the applicants liable to be canceled.

IV) Bail to be furnished before the trial Court. In case the bail is not furnished before the trial Court within two weeks from the date of this order, the order of suspension of sentence stands recalled and canceled.

V) The trial Court is directed to report the compliance of furnishing of bail within three weeks to this Court.

VI) The Police Inspector, Kadim Jalna Police Station, Dist. Jalna is directed to submit the report of compliance of conditions of bail after every six months till final disposal of the appeal.

[V.L.ACHLIYA,J.]