

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.397 OF 2017
IN
CRIMINAL APPEAL NO.487 OF 2000**

Shantaram Vithal Zore)...Applicant

V/s.
State Of Maharashtra)...Respondent

Mr. D.K.Kushwah, Advocate for the Applicant.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 21st MARCH, 2017.

P.C. :

The applicant-accused who is arrested in pursuant to execution of NBW issued by this Court because of his absence at the time when criminal appeal filed by him was called out for hearing, by this application, is seeking his release on bail during the pendency of the appeal.

2 The applicant-accused is convicted of the offence punishable under Section 326 of IPC and is sentenced to suffer RI for 3 and half years apart from direction to pay fine of Rs.500/- in

default to undergo RI for three months.

The learned advocate for the applicant-accused argued that prior to two years, advocate appointed by the applicant-accused to represent him in the appeal had expired and because of long pendency of the appeal, the applicant-accused could not contact his advocate. In the meanwhile, the appeal was called out for hearing and in absence of the learned advocate for the applicant-accused, NBW came to be issued.

As it is reported that the learned advocate who was appointed by the applicant-accused had expired during the pendency of the appeal, nobody represented the applicant-accused when the appeal is called out resulting in passing of the order of issuance of NBW, the learned advocate for the applicant-accused submits that he is going to represent the applicant-accused in future. In this view of the matter, considering the short sentence imposed on the applicant-accused and the fact that because of death of his learned advocate, nobody appeared when the matter was called out, the application deserves to be allowed and , therefore, the order:

(1) During the pendency of the appeal filed by the applicant-accused, he be released on bail on executing PR Bond of Rs.15,000/- and on furnishing surety in the like amount.

(2) Six weeks time to furnish surety is granted.

(3) Till then in lieu of furnishing surety, the applicant-accused be released on cash security of Rs.15,000/-.

(4) Application is disposed of accordingly.

(A. M. BADAR, J.)