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

CRIMINAL BAIL APPLICATION NO.671 OF 2017

Vijay alias Chandrabhan Uttam Kandekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.R.N.Gite, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail.
3. Perused the papers. The applicant was arrested in connection with C.R.No.I-184 of 2004 registered with the Vashi Police Station, for the alleged offences punishable under Sections 409, 420, 467, 468, 471 of the Indian Penal Code and under Section 3 of Maharashtra Protection of

Investors and Depositors Act, 1999. It appears that the applicant was arrested on 17th July, 2004 and was enlarged on bail on the day of his arrest i.e. on 17th July, 2004, by the learned Sessions Judge, Thane. After investigation, charge-sheet was filed and the matter was posted for trial. It appears that as the applicant failed to remain present before the learned Judge on 5 to 6 occasions, the learned Judge issued a NBW, as against the applicant on 12th August, 2016, pursuant thereto, the applicant was arrested on 26th August, 2016. It appears, that the applicant had preferred an application seeking his enlargement on bail. However, the trial Court rejected the application. Hence, this application. Learned Counsel for the applicant submitted that the applicant's son was unwell during the said period. He submitted that the applicant's brother is mentally challenged and that his father is not keeping good health.

4. Learned Counsel for the applicant has tendered an affidavit of the applicant affirmed before the Superintendent, Thane Central Prison. In the said undertaking the applicant has undertaken to attend the proceedings before the learned Special Court, Thane in MPID Case No.05 of 2005, except in exceptional cases. He has also undertaken that he will

immediately appoint a lawyer for conducting the above case and that he will not seek any adjournment on that ground. He has also undertaken to co-operate with the smooth conduct of the trial. The same is taken on record and marked 'X' for identification.

5. In view of the undertaking given by the applicant and in the peculiar facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Court, pursuant to the undertaking given by him. The applicant shall also file a similar undertaking in the trial Court, before the learned Judge, who is seized of the said case, within 1 week of his release;

6. The Application is allowed and disposed of in above terms.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)