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

CRIMINAL BAIL APPLICATION NO.1200 OF 2017

Ishwar Popat More	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.U.B.Nighot, for the Applicant.

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

API – Ganesh Maske, Khed Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail.
3. Learned Counsel for the applicant states that the applicant was absent only on one day i.e. on 4th May, 2017, pursuant to which, the

learned Judge cancelled the applicant's bail. He submitted that the applicant had failed to attend the case on the aforesaid date as he had chest pain and was referred to a doctor. He further submitted that the applicant had been regularly attending the case and that the same is evident from the Roznama which is annexed to the application.

4. Perused the papers. The applicant was enlarged on bail in C.R.No.228 of 2015. Thereafter on 19th October, 2016, charge was framed as against the applicant for the alleged offences punishable under Section 354(A)(O) of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act. Thereafter, six witnesses were examined by the prosecution till 12th April, 2017. On 17th April, 2017, the applicant's 313 statement came to be recorded. On 22nd and 27th April, 2017 and on 3rd May, 2017, the applicant examined three witnesses on his behalf. It appears that the applicant was present throughout from the time the charge was framed i.e. from 19th October, 2016 to 3rd May, 2017. On 4th May, 2017, the applicant and his Advocate both failed to appear before the learned Judge and hence the learned Judge was pleased to cancel the applicant's bail vide order dated 4th May, 2017. It was observed that the

matter has come to a stand still only because of the conduct of the applicant. It was also observed that the defence witness – Sanjay Dattatray Hundare was present, however, no application for adjournment was filed on behalf of the applicant-accused. The applicant thereafter preferred an application seeking his enlargement on bail. However, the same was rejected by the learned District Judge No.1 and Additional Sessions Judge, Khed-Rajgurunagar, Pune, vide order dated 19th May, 2017. Learned APP does not dispute the dates.

5. The Roznama reflects that the applicant was present on every date and had co-operated in the conduct of the trial and was absent only on one date i.e. 4th May, 2017, as he could not attend the Court on the said date, as he had chest pain. Under these circumstances, the order cancelling the applicant's bail, was completely unjustified. The learned Judge could have given one opportunity.

6. Considering the aforesaid, 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.10,000/- with one or two sureties in the like amount;
 - ii) The Applicant shall co-operate in the conduct of the trial;
7. The Application is allowed and disposed of in above terms.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)