

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1368 OF 2017**

Ramkumar Navranglal Kumavat .. Applicant
vs.
State of Maharashtra . Respondent

.....

Mr.A.P.Mundargi Sr. Advocate I/b Mr.P.A.Bhonsale
for Applicant.
Ms.A.A.Takalkar APP for State.

.....

**CORAM : PRAKASH D. NAIK, J.
DATED : 07 July 2017.**

P.C. :

1. This is an Application for bail.

2. The Applicant is accused in C.R.No.224 of 2009 registered with Versova Police Station for offence punishable under sections 376 and 417 of IPC. The Applicant was granted bail by this Court by order dated 10.11.2009. While granting bail, it was directed that the Applicant shall report to concerned Police Station once in month.

3. The Applicant committed breach of the order dated 10.11.2009 and instead of reporting the Police Station he left the country and went to Dubai. He was not available from 2010 till 2017. A Proclamation was issued against him. The Applicant thereafter preferred a Writ Petition No.761 of 2017 before this Court. The said Petition was disposed of vide order dated 27.3.2017. The Applicant was permitted to appear before the Sessions Court and file Application for cancellation of Non-Bailable Warrant which was issued against him. To enable him to approach the Sessions Court, it was directed that no coercive action be taken against him for a period of two weeks. The Applicant thereafter approached the Sessions Court and his Application was rejected and he is in custody from 12.4.2017.

4. Learned Advocate for the Applicant submitted that it is true that the Applicant was not available from the year 2010 till 2017. He went abroad for job and he had no intention to avoid the trial. It is submitted that in order to face the prosecution he

preferred a Writ Petition before this Court and has thereafter appeared before the concerned Court. He is in custody. It is submitted that some conditions may be imposed upon him and he may be released on bail.

5. The learned APP submitted that the trial was stalled on account of the fact that the Applicant was absconding for 7 years. Proclamation was issued against him. He showed his desire to come back to India and appeared before the Court since Proclamation was issued against him. There is no guarantee that he would be available for trial incase he is released on bail. The learned APP further submitted that the Applicant preferred two Applications for bail before the Sessions Court and has thereafter approached this Court.

6. Perused the order passed by the Sessions Court and the documents on record. Undoubtedly, the Applicant was not available for a period of about 7 years. He has misused the bail

granted to him. However, considering the fact that the Applicant has voluntarily come back to India to face prosecution, bail can be granted to him on certain stringent conditions. The Applicant presently is in custody from May 2017. The alleged offence was relating to a complaint lodged by a person who was promised a role in a Bhojpuri film which was to be produced by the Applicant and there was a consensual relationship between the Applicant and the victim. Hence, I pass the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.224 of 2009 registered with Versova Police Station which is subject matter of Sessions case No.593 of 2009 on furnishing P.R.Bond in the sum of Rs.50,000/- with one or more local sureties in the like amount;
- (ii) The Applicant shall not leave the jurisdiction of this Court and shall not leave India without permission of the Court ;
- (iii) The Applicant is directed to surrender his passport to the Investigating Officer;
- (iv) The Applicant shall report the concerned Police Station once in a fortnight on Saturday between **11 a.m. to 1 p.m.**

(v) The Applicant is directed to furnish his native place address and local residence address to the Investigating Officer;

(vi) The Applicant shall attend all the dates before the trial Court and shall not delay the trial;

Sessions Case No.593 of 2009 is expedited.

(PRAKASH D. NAIK, J.)