

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1458 OF 2017

Baba @ Umresh	Applicant
versus	
The State of Maharashtra	Respondent

AND
BAIL APPLICATION NO.1341 OF 2017

Kannan Aayuthi	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Sujit Shelar for Applicants.
Mr.V.V.Gangurde, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 13th July 2017

PC :

1. Both these applications are preferred seeking bail in connection with CR No.I-173 of 2005 registered with Nerul Police Station for offence punishable under Section 395 of Indian Penal Code. The charge sheet has been filed and the proceedings are pending in the Court of Sessions, at Thane vide Sessions Case No.200 of 2012.

2. Both the Applicants were granted bail at the earlier point of time. Thereafter the charge sheet was filed and the case was committed to the Court of Sessions. The Applicants did not attend the Trial Court proceedings and hence warrants were issued against them. Both of them were arrested on 17th March 2017 and since then they are in custody.

3. Learned advocate for the Applicants submitted that after the Applicants were released on bail, the charge sheet was filed and there was mis-communication in respect of the dates before the Trial Court, and, therefore, they did not attend the proceedings. The Charge sheet is filed in 2012. It is further submitted that both the Applicants were externed in between and for about one year they were not available and could not attend the Trial Court during hearing. It is submitted that they are residing in Mumbai at the addresses mentioned in the cause titles of these applications. It is further submitted that the Applicants are willing to furnish local sureties if they are released on bail. It is also submitted that the parents or relations of the Applicants are willing to stand surety for them.

4. Learned APP submitted that facility of bail granted to the Applicants was misused by them and they were not available after they were released on bail.

5. I have considered the submissions advanced by both the sides. It is true that the Applicants were not available after they were released on bail for substantial period of time. It is noted that the charge sheet is filed in the year 2012. The Applicants were released on bail before filing of the charge sheet. The externment proceedings were initiated against the Applicants in the mean time. Taking into consideration the fact that the Applicants were released on bail earlier and they are willing to furnish local sureties, although they had jumped the bail, on certain conditions, bail can be granted to the Applicants.

6. Hence, I pass following order :

ORDER

- (i) Bail Application No.1458 of 2017 and Bail Application No.1341 of 2017 are allowed;
- (ii) The Applicants are directed to be released on bail in connection with CR No.I-173 of 2005 registered with Nerul Police Station, which is the subject matter of Sessions Case No.200 of 2012 pending before Thane Sessions Court, on furnishing PR bond in the sum of Rs.25,000/- each with one or more local sureties in the like amount;
- (iii) The Applicants are directed to report the investigating officer of Nerul Police Station once in a month on every first Saturday, between 11.00 a.m. and 1.00 p.m. till disposal of the trial;
- (iv) The Applicants shall furnish their residential addresses and telephone and/or mobile phone numbers to the investigating officer of Nerul Police Station;
- (v) The Applicants are directed to attend the Trial Court proceedings on the date of its hearing regularly;
- (vi) Bail applications are disposed of.

(PRAKASH D. NAIK, J.)