

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1482 OF 2017

Dinesh Bharti @ Bharat Gosavi vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. A.B.Rai for the Applicant.

Mr. S.R.Agarkar,APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 21st September, 2017

P.C.

1. This is an application for bail under Section 439 of the Cr.P.C.

2. The applicant is an accused in CR No.151 of 2007 dated 18.11.2007 registered with Uran Police Station, Navi Mumbai. The applicant was arrested on 25.11.2007 and after completion of investigation was released on bail on 20.2.2008. The record indicates that till 2014 the applicant regularly attended the Trial Court however thereafter remained absent for trial. Initially a non bailable warrant was issued which followed by a proclamation under Section-82 of the Cr.P.C. That, after receipt of the said information about issuance of proclamation, the applicant surrendered before the Trial Court and filed an application for cancellation of the non bailable warrant and withdrawal of the said

proclamation. However, the trial Court took the applicant into custody. That, the application preferred by the application under Section 439 of the Cr.P.C. is rejected by the Trial Court by its order dated 2.5.2017.

3. Learned counsel appearing for the applicant submitted that as a matter of fact the wife of the applicant was suffering from serious ailment and therefore, the applicant could not attend the Trial Court after 2014. He submitted that the Trial Court in its order dated 2.5.2017 in Para 6 has taken into consideration the said aspect however has rejected his application on the ground that the said case is old one and requires early disposal. Learned counsel further submitted that, it is due to the miscommunication between him and his Advocate, the applicant could not attend the trial court on stipulated dates. He submitted that hereinafter the applicant will attend all the dates before the Trial Court, unless prohibited for the reasons which are beyond his control and in that case his Advocate will represent him.

4. After taking into consideration the fact that after his release on bail in Feb.2008 upto 2014 the applicant was regularly attending the Trial Court and could not attend it after 2014 for the aforesaid reasons and therefore, I am inclined to release the applicant on bail.

5. Hence, the following order.

a) The applicant be released on bail in CR No.151 of 2007 dated 18.11.2007 registered with Uran Police Station, Navi Mumbai now culminated into Sessions Case No.119/2008 on his furnishing PR bond of

Rs.15,000/-with one or two local sureties in the like amount.

b) After release from Jail, the applicant shall attend each and every date before the Trial Court unless exempted by the said Court on the ground of medical problem or ill-health which will be duly supported by Certificate of the Medical Practitioner.

c) Any two consecutive defaults in attending the Trial Court will attract the provisions of cancellation of bail.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)