

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2855 OF 2017

Surekha Rajaram Garud

Petitioner

versus

The State of Maharashtra

Respondent

Mr.Mahindra B. Deshmukh for Petitioner.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st August 2017

PC :

1. The Petitioner has challenged the order dated 8th May 2017 passed by Judicial Magistrate, First Class, Kadegaon, in Regular Criminal Case No.1 of 2010. The Petitioner is an accused in RCC No.1 of 2010 which is filed for offences under Sections 408, 409, 420, 465, 467 read with Section 34 of Indian Penal Code. The Petitioner was granted bail pending the said case. On 8th May 2017, the Petitioner was not present before the Trial Court. The Trial Court, therefore, cancelled the bail and forfeited the bail bond. Notice was also issued to surety to pay the amount of bail.

2. Learned advocate for the Petitioner submits that on 8th May 2017, the case was fixed for examination of the complainant. However, on the said date, the Petitioner could not remain present as one of her relative had expired on 4th May 2017. It is submitted that the Petitioner is a woman and in view of impugned order, she will have to face hardships.

3. Learned APP submitted that the Petitioner was not present before the Trial Court. The advocate representing the Petitioner was also not present and there was no application seeking exemption preferred before the Trial Court. In the said circumstances the Court has passed the aforesaid order.

4. I have perused the impugned order passed by learned JMFC, Kadegaon. The order does not indicate that the Petitioner was repeatedly remaining absent before the Trial Court. The Petitioner has explained the reason for not remaining present before the Court on 8th May 2017. Considering the fact that Petitioner was on bail for a long period of time, the order passed by learned JMFC, Kadegaon appears to be very harsh.

5. Hence, I pass following order :

- (i) The order dated 8th May 2017 passed by Judicial Magistrate, First Class, Kadegaon cancelling bail granted to the Petitioner in Regular Criminal Case No.1 of 2010 is quashed and set aside;
- (ii) The petitioner is directed to be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount. The petitioner is permitted to furnish cash security in the sum of Rs.20,000/- for a period of four weeks in lieu of surety;
- (iii) The petitioner is directed to remain present before the Trial Court regularly;
- (iv) Writ Petition No.2855 of 2017 is disposed of.

(PRAKASH D. NAIK, J.)