

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1935 OF 2017

Ranjeet Kapildeo Chaudhary ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Dipak V.Churi for the applicant.

Mr.J.S.Lohokare, APP for the State.

CORAM: A.M. BADAR J.

DATED: 3rd October, 2017

PC:-

1. The applicant/accused in crime No.374 of 11 for offence punishable under Section 399 and 402 of the Indian Penal Code r/w Section 3 and 24 of the Arms Act as well as under Section 37 of the Bombay Police Act by this application is seeking his release on bail.

2. Herd the learned advocate appearing for the applicant/accused. By drawing my attention to the order

sheets maintained by the learned trial Court he submitted that even on 27.02.2017, police has reported to the Court that the applicant is detained in jail in some another Crime. He submitted that the applicant remained absent for a short period prior to issuance of proclamation and prior to that same advocate was filing application for his exemption from personal appearance.

3. I have considered the submissions so advanced. The applicant is accused No.1 in the Sessions Case No. 459 of 2016. Committal order shows that the applicant was absent after availing cash bail and the court was constrained to commit the case in absence of accused person who absconded after obtaining cash bail.

4. Bail can be granted only when the court is assured of presence of the applicant/accused for facing the trial. It appears that in the instant case after obtaining cash bail the applicant has absconded since long. The order sheet dated

27.2.2017 speaks about the police report in pursuant to issuance of nonailable warrant. The same seems to be no assistance to the applicant. Therefore, the following order.

ORDER

- (i) The application is rejected.
- (ii) The trial Court is requested to take up the trial and complete the same as far as possible within a period of one year from the date of communication of this order.

(A.M. BADAR, J)