

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2070 OF 2017

Rahul Vilas Salunkhe

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ravi Kadam for the Applicant.

Mr. Prashant Yadav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 20th SEPTEMBER, 2017

P.C.:

. This is an application under Section 482 of Cr.P.C. challenging the orders dated 08.05.2017 passed below Exhibit 33 and 31.07.2017 passed below Exhibits 34, 35 and 36 by the Sessions Judge, Solapur in Special Case No. 8 of 2013.

2 The Applicant is an accused in C.R. No. 3168 of 2012 under Sections 7, 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1998, now culminated in Special Case No. 8 of 2013, pending on the file of Special Judge, Solapur.

3 The record indicates that in the said case, the Applicant was arrested on 23.08.2012 and released on bail on 30.08.2012 by the Special Judge, Solapur. That Applicant was regularly attending the Court proceedings up to 30.09.2015. However, on 04.07.2016 and 29.07.2016, he did not attend the Trial Court and therefore, the Court issued a non-bailable warrant against the Applicant. The

said non-bailable warrant was executed on 01.01.2017 and since then, the Applicant is in jail.

4 The record further indicates that the Applicant initially moved application for bail below Exhibit 33 in the said case which came to be rejected by an order dated 08.05.2017. That the Applicant thereafter, preferred three separate applications below Exhibits 34, 35 and 36 for bail, however, the Trial Court has turned down the request of the Applicant for his release on bail.

5 Learned Counsel for the Applicant submitted that, on 04.07.2016 and 29.07.2016, the Applicant could not attend the Trial Court due to miscommunication between him and his Advocate. He further submitted that hereinafter, the Applicant will diligently attend each and every date before the Trial Court, unless and otherwise prevented for medical reasons, which will be supported by necessary certificate issued by a Medical Practitioner. The said statement is accepted.

6 In view of the above and the fact that since 2012 till May of 2016, the Applicant was sincerely attending the Trial Court, I am inclined to release the Applicant on bail.

7 Accordingly, orders dated 08.05.2017 and 31.07.2017 passed by the Special Judge, Solapur mentioned earlier are set aside and the Applicant is directed to be released on bail.

Hence, the following order.

- i) The applicant be released on bail in Special Case No. 8 of 2013 arising out of CR No. 3168 of 2012 originally registered with Fauzdar Chawdi Police Station, District Solapur, under Sections 7, 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1998 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount and cash bail of Rs.25,000/-
- ii) After his release from jail, the Applicant shall attend all dates before the Trial Court unless prevented by/for medical reasons as noted earlier.
- iii) Any two consecutive defaults in complying with the aforesaid condition, shall attract the provisions of cancellation of bail and in such an event, the Applicant shall not release on bail till the conclusion of trial.
- iv) Application is allowed in above terms.

(A.S.GADKARI, J.)