

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2262 OF 2017

VIJAY KUMAR BHIKUMAR JAISWAL)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ishan Jani i/b. Mr.Santosh Pawar, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.164 of 2008
registered with Versova Police Station for offences punishable
under Section 279, 338 of the Indian Penal Code (IPC), by this
application, is seeking his release on bail, during pendency of the
trial.

2 The learned advocate appearing for the
applicant/accused argued that the applicant/accused has lost

contact with this advocate with passage of time and he could not attend the trial of the criminal case, which has resulted in issuance of non-bailable warrant against him. The offences are bailable and the applicant/accused will attend the trial court regularly.

3 The learned APP opposed the application by pointing out that the order dated 8th September 2017 passed by the learned Additional Sessions Judge shows that on two occasions non-bailable warrant was served on the present applicant/accused, but still he remained absent.

4 I have carefully considered the rival submissions and also perused the record made available. Prima facie, it is seen that the applicant is an accused in a case relating to bailable offences. During pendency of the criminal case against him, he absconded and then came to be arrested on execution of the non-bailable warrant against him. It is reported that though the Charge has been framed against the present applicant/accused, the witnesses are not summoned and the trial will take its own time.

5 Considering the nature of offence alleged against the present applicant/accused and the fact that offences alleged against him are bailable in nature, I feel that one more chance needs to be given to the applicant/accused to face the prosecution while on liberty. Therefore the order :

ORDER

- i) The application is allowed.

- ii) The applicant/accused in Crime No.164 of 2008 registered with Versova Police Station for offences punishable under Section 279, 338 of the Indian Penal Code (IPC), is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.

- iii) As a condition of this order, the applicant/accused should attend each and every date of hearing in Criminal Case No.1116/PS/2008 pending before the Metropolitan Magistrate, Mumbai, and he should co-operate the court in expeditious disposal of the trial against him.

- iv) Failure to abide by this condition will result in cancellation of bail granted to the applicant/accused and the Metropolitan Magistrate may issue non-bailable warrant causing his arrest.
- v) On request of the learned advocate for the applicant/accused, initially, for a period of three weeks, the applicant/accused be released on cash security in order to enable him to arrange for surety.
- vi) The application is disposed of.

(A. M. BADAR, J.)