

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

CRIMINAL BAIL APPLICATION NO.2530 OF 2017

Santosh Prabhudayal Mulay

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. P.S. Sarda for the Applicant.

Mr. Vinod Chate, APP for the Respondent - State.

CORAM : A.S.GADKARI, J.

DATE : 8th DECEMBER 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No.68 of 2015 registered with Shirur Police Station, Pune under Section 394 r/w. 34 of Indian Penal Code.

2. The record indicates that, in the aforesaid crime, the applicant was arrested on 06.04.2015 and was ordered to be released on bail by the Ld. Additional Sessions Judge, Pune by its order dated 22.7.2015. That, after

completing the necessary formalities, the applicant was actually released from jail on 24.09.2016. As the applicant did not attend the Trial Court on two consecutive dates, by an order dated 10.11.2016 the Trial Court issued non-bailable warrant against the applicant. After receipt of knowledge of issuance of non-bailable warrant, the applicant himself appeared before the Trial Court on 17.06.2017 and filed an application for regular bail below Exh.31 in Sessions Case No.508/2016. The Trial Court by the impugned Order dated 19.07.2017 has rejected the said application of the applicant. In the premise, the present bail application is filed.

3. The learned Counsel for the applicant submitted that, though the applicant was directed to be released on bail by the Trial Court by its order dated 22.07.2015, after completing the necessary formalities, the applicant came out of the jail only on 24.09.2016. He submitted that the applicant, thereafter, accepted employment with his uncle at Hyderabad, and therefore, on two consecutive dates, he could not remain present before the Trial Court, and therefore, the Trial Court was pleased to issue non-bailable warrant against him. The learned Counsel for the applicant on instructions submitted that, hereinafter the applicant will scrupulously and sincerely attend all the dates before the Trial Court without any excuse and shall

cooperate with the Trial Court in expeditious hearing of the trial. The said statement is accepted.

4. It is to be noted here that, on 17.06.2017 after receipt of notice of issuance of non-bailable warrant, the applicant himself has appeared before the Trial Court and since then, he is in jail. In view of the above, I am inclined to release the applicant on bail.

Hence, the following Order:

(i) The applicant be released on bail in C.R.No.68 of 2015 registered with Shirur Police Station, Pune, on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend each and every date before the Trial Court except precluded for medical reasons.

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)