

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2292 OF 2016

Kuldip Jagdish Sharma	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. B.B.Tiwari i/b. BBT Legal for the applicant.
Mr. Ajay Patil, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 12th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.

The applicant herein is arrested on 21.7.2009 in Crime No.140 of 2009 registered at V.P. Marg Police Station. The investigation is completed and charge-sheet is filed against the applicant for the offences punishable under Sections 489(A), (B) and (C) read with Section 34 of the Indian Penal Code. The investigation was transferred to DCB CID and it was registered as C.R.No.102 of 2009. The applicant herein was enlarged on bail on 11.8.2009. The case was committed to the Court of Sessions and is registered as Sessions Case No.327 of 2013.

2. The applicant had not attended the Court of Sessions after

the commencement of the trial. Non-bailable warrant had to be issued against the applicant. The applicant happens to be the original native of the State of Rajasthan. The police of the State of Maharashtra had to travel all the way to Rajasthan to trace the whereabouts of the applicant. Despite that, he could not be found. The hearing of the case had to be protracted since the accused was not available. Pursuant to the non-bailable warrant, the applicant surrendered before the Court on 18.4.2010. The applicant was absconding for more than 7 years after he was enlarged on bail. While enlarging on bail, the Court had reposed faith in the applicant that he would diligently attend all the dates at the time of trial. Due to absence of the applicant, the trial was protracted. A proclamation had to be issued against the applicant. It is in these circumstances that the applicant does not deserve to be enlarged on bail as the case is ready for recording of evidence.

3. The application being sans merit, stands rejected.

(SMT. SADHANA S.JADHAV, J.)