

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1482 OF 2016

Taramuni Ajay Vishwas

.....Applicant/
Orig. Accused no.2

V/s.

State of Maharashtra
(at the instance of Malwani
Police Station in C.R. No. 66/14)

.....Respondents

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Mr. Amit Munde, Advocate for the applicant.

Mr. V.V. Gangurde, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 25TH JANUARY, 2017.

P.C. :-

1). This application challenges the order dated 1st August, 2016 by which the Sessions Court rejected his application seeking provisional cash bail for a limited period to enable him to arrange for sureties. By the order dated 10th June, 2014 the application filed by the petitioner for bail was allowed and he was directed to be released on P.R. Bond and surety bond of Rs.25,000/- with one or two sureties and subject to the other conditions stated in the order.

As the applicant was unable to arrange for sureties, he could not avail himself of bail. Therefore, on 24th June, 2016 he filed an application for provisional cash bail.

2). The applicant is an accused in C.R. No. 66 of 2014 registered with Malwani Police Station for the offences punishable under Section 370(3) read with Section 34 and under Sections 3, 4 and 5 of the Prevention of Immoral Trafficking Act (for short “the PETA Act”). Mr. Munde, the learned Advocate appearing for the applicant points out that, the co-accused of the applicant, who was placed in exactly same situation, was granted provisional bail by this Court by the order dated 7th April, 2016 passed in Criminal Application No. 767 of 2015.

2). Mr. Gangurde, the learned APP appearing for the State, on the other hand, points out that the applicant is from West Bengal and he may not be available for trial, unless condition of attendance at the concerned police station is imposed upon him until the trial commences. Considering the above facts, the application is disposed off by following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on provisional cash bail of Rs.25,000/- for a period of 4 weeks during which he shall report to Malwani Police Station on every alternate day until the bail bonds are furnished.
- (iii) On being enlarged on bail, the applicant shall tender his address of local sureties alongwith the cell phone number.

(iv) He shall report to the Court of Sessions on the scheduled dates. Upon failure to attend any of the consecutive dates, the learned Sessions Judge shall issue non-bailable warrant against him and take him into custody.

(SMT. R.P. SONDURBALDOTA, J)