

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1129 of 2017
[Sandip Namdeorao Kalaskar Vs. State of Mah., Shirajgaon PS,
Distt. Amravati]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S. S. Dhengale, Adv., for the Applicant.
Ms. S. Haidar, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 06th December, 2017

The applicant who has been arrested pursuant to execution of his non-bailable warrant on account of his absence before the trial Court seeks his release on bail.

The applicant is accused in Sessions Trial No. 1 of 2011 which is being conducted for the offence punishable under Section 307 of Indian Penal Code.

On 12th April, 2016, the applicant and his counsel were absent. Thereafter, on 17th June, 2016, the evidence of Prosecution Witness No.3 was recorded. The applicant was present and he filed an application for permission to cross-examine that witness. That permission was granted. But on the next date, though

the witness was present, the applicant was absent. Hence, a non-bailable warrant came to be issued and same was executed on 24th August, 2017.

It is submitted on behalf of the applicant that his absence before the Court was not deliberate. The applicant was busy in giving treatment to his daughter who subsequently expired. It is submitted that by imposing appropriate conditions to secure presence of the applicant, he may be released on bail.

The application is opposed by the learned Addl. Public Prosecutor on the count that the trial is delayed due to absence of the applicant. The trial is more than five years' old. Earlier application of the applicant was rejected by the Sessions Court.

Perused the impugned order.

The record indicates that the Sessions Court was inclined to dispose of the trial expeditiously. However, on account of absence of applicant, same was not possible. The reason for absence is indicated in para 3 of the application filed before the Sessions Court. Hence, by accepting said reason and by imposing appropriate conditions, applicant is entitled to be enlarged on bail.

Accordingly, the applicant who has been arrested

in connection with Sessions Trial No. 1 of 2011 is directed to be released on bail on furnishing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] with one surety in the like amount. The applicant shall remain present before the Sessions Court on every date of the trial. If he remains absent without due permission, the Sessions Court would be free to pass appropriate orders in that regard.

The application is allowed in aforesaid terms.

Judge

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