

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.56 OF 2017

Bhimsingh s/o Subjitsingh Tank

..VS..

State of Maharashtra, through P.S.O. Ram Nagar, Chandrapur, District
Chandrapur

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

Court's or Judge's Order

Shri M.V. Rai, counsel for the applicant.

Mrs. K.H. Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 17, 2017.

This application is filed by accused for bail in Crime No.222 of 2015 registered for the offences punishable under Sections 353, 332, and 294 read with Section 34 of the Indian Penal Code.

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

It is submitted that applicant was released on bail in this crime. However, as he did not remain present before the Trial Court only on one occasion, N.B.W. came to be issued against applicant by the Trial Court and on execution of the same, on 21.9.2016 he came to be arrested and since then he is in custody.

Learned counsel for the applicant has submitted that since applicant was earlier on bail on

merits, he be released on bail by imposing suitable conditions.

Learned Additional Public Prosecutor has opposed the application as per its reply on record and has submitted that the Trial is already in progress before the Trial Court and thus submitted that the application be rejected.

Perusal of documents filed with this application reveals that his bail came to be rejected by learned Sessions Judge holding that the bail application of applicant is not maintainable and tenable in the eyes of law.

Learned counsel for the applicant has not disputed said fact contending that after applicant's arrest on 21.9.2016, his application for bail was rejected by the Trial Court against which he preferred application before learned Sessions Court which was rejected and has submitted that in spite of such rejection again applied before the same Court and thus by impugned order dated 31.12.2016 subsequent application came to be rejected being not maintainable. *Prima facie*, there appears no illegality in the order passed by learned Sessions Court. However, on considering the fact that applicant was on bail and is taken into custody on execution of warrant since failed to attend on one date as aforesaid, application is allowed, as per the order below:

Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.

Applicant shall attend Ram Nagar Police Station, Chandrapur, District Chandrapur on every day between 5:00 p.m. and 7:00 p.m., till conclusion of Trial.

Needless to say that applicant shall not fail to attend the Trial Court on fixed dates.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 20/2/2017