

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

CRIMINAL APPLICATION (BA) NO.741 OF 2017

Javedkha s/o Jalilkha Pathan

..vs..

State of Maharashtra, through PS Varora, District Chandrapur

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

Court's or Judge's Order

Shri N.R. Tekade, Counsel for the applicant.
Mrs. K.R. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 11, 2017.

In execution of the Non Bailable Warrant, the applicant was brought before learned Judicial Magistrate First Class. Learned Judicial Magistrate First Class turned down request made by the applicant to release him on bail. His further attempt to secure bail from the Sessions Court is also failed. Therefore, the applicant is before this Court.

Heard learned counsel Shri N.R. Tekade for the applicant and learned Additional Public Prosecutor Mrs. K.R. Deshpande for the State.

The applicant is facing a criminal case in the Court of learned Judicial Magistrate First Class at Varora, District Chandrapur vide Summary Criminal Case No.110 of 2007 for the offence punishable under Section 379 of the Indian Penal Code, 1860 along with other co-accused persons.

Allegation against the present applicant is that he along with other co-accused stolen away wheels of the bullock cart and its rods.

It is the duty of the present applicant, who is released on bail to follow the conditions. Normally, the Court will never exercise its discretion in favour of the present applicant who jumped the bail. However, looking to the accusation against the present applicant, in my view, instead of allowing the applicant to languish in jail, he can be released on bail with a caution and a direction to the Court below to decide the criminal case expeditiously. Hence, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.5,000/- with one solvent surety before learned Judicial Magistrate First Class at Varora, District Chandrapur in Summary Criminal Case No.110 of 2007 with a caution that in future if the applicant is found to be absent, learned Magistrate will be free to issue a fresh Non Bailable Warrant against him and in that case even this Court will not exercise its discretion in his favour.

iii) The applicant is directed to attend the Court of learned Judicial Magistrate First Class on each and every date of the case, without fail.

iv) Learned Magistrate is directed to decide Summary Criminal Case No.110 of 2007 within a period of 6 months from the date of receipt of this Court.

v) The applicant and other co-accused shall extend their full co-operation.

vi) If learned Judicial Magistrate First Class notices that any of the accused persons is not extending cooperation for decision, as directed by this Court, learned Magistrate shall take appropriate steps in that behalf.

vii) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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