

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 975 of 2017
[Dinesh @ Hemantkumar Rambaran Kevat Vs. State of Mah, Majri
PS, Bhadrawati Tq. , Chandrapur Distt.]

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

Court's or Judge's orders

Mr. M. M. Ghatode, Adv., for the applicant.
Ms. Shamsi Haidar, APP for respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 31st October, 2017

The applicant is facing trial in Criminal Case No. 224 of 2011. Though the applicant was initially enlarged on bail, he remained absent and did not appear before the trial Court. Hence, non-bailable warrant came to be issued on 27th August, 2014. Thereafter, this warrant was cancelled as the applicant had appeared. Subsequently again, due to his absence, a fresh warrant came to be issued. The trial Court on 21st September, 2017 did not recall that order. The applicant came to be arrested. His application for release on bail has been rejected by the Sessions Court. Hence the present application.

It is submitted on behalf of the applicant that the

applicant's absence is not deliberate. He being a labourer and earning bread, he was in search of employment. It is submitted that the applicant, if released, would abide by terms and conditions as imposed.

The application is opposed by the learned Addl. Public Prosecutor by submitting that absence of the applicant is for a long period. Though the non-bailable warrant was issued earlier, the same was cancelled. Subsequently, the applicant persisted with his absence. Hence, that application was rightly rejected by the trial Court.

Perused the documents placed on record.

It can be seen that the applicant who is accused no.3 remained absent before the trial Court resulting in issuance of non-bailable warrant. On 20th April, 2017, the applicant remained absent and hence he was subsequently taken into custody. The offence in question is under the provisions of Sections 336 and 427 read with Section 34 of Indian Penal Code. Considering the explanation furnished by the applicant, I am inclined to grant one opportunity to the applicant, subject to terms and conditions being complied with. Accordingly, the applicant is directed to be released on bail on furnishing a Personal Bond of Rs.20,000-00 and one surety in the like amount. He shall regularly attend the

trial Court on the dates on which the proceedings are fixed. It is made clear that absence without any permission would render the order granting bail being revoked.

Application is allowed in aforesaid terms.

Hamdast is granted.

Judge

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