

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 1098 of 2017
[Mahendra Rambhau Tapase Vs. State of Mah., Ramnagar PS, Chandrapur]

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Adv., for the applicant.
Mr. K. L. Dharmadhikari, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 21st November, 2017

The applicant who has been arrested pursuant to issuance of non-bailable warrant for his absence in Regular Criminal Case No. 467 of 1991 seeks his release on bail.

The applicant is facing a trial for the offences punishable under Sections 420, 468, 471 and 109 of the Penal Code in Regular Criminal Case No.467 of 1991. According to the applicant, Accused No.1 died in the year 2006 and Accused No.3 was discharged on 3rd April, 2014. The present accused was under the impression that his case was disposed of and hence he did not remain present before the trial Court. As a consequence, a non-bailable warrant was issued which

came to be executed.

It is submitted on behalf of the applicant that the case pertains to the year 1991 and applicant was under a bona fide belief that on account of death of one of the accused and discharge of another, the case had come to an end. It is submitted that henceforth, the applicant would co-operate in completion of the trial.

The application is opposed by the learned Addl. Public Prosecutor. It is submitted that reasons given for absence do not deserve to be accepted. The trial has been delayed on account of absence of the applicant.

Perused the application as well as the order passed by the trial Court.

Considering the fact that the proceedings are pending since 1991, coupled with the fact that one accused had expired while another was discharged, discretion deserves to be exercised in favour of the applicant by enlarging him on bail.

Accordingly, the applicant is ordered 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 regularly attend the proceedings in Criminal Case No. 467 of

1991. Future absence without obtaining the necessary permission would render his liberty being taken away in accordance with law.

The application is allowed and disposed of.

Judge

[hedau]