

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

CRIMINAL APPLICATION (BA) NO.1162/2017

Kamal Suresh Bhogewar

..vs..

The State of Mah., thr. PSO PS Chandrapur City, Chandrapur

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

Court's or Judge's Order

Shri M.N. Ali, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri M.N. Ali for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. The applicant was arrested in connection with Crime No.76 of 2007 registered with Chandrapur City Police Station, Chandrapur for the offences punishable under Sections 457 and 380 read with Section 34 of the Indian Penal Code.

3. The first information report is lodged by Nanaji Dhapkase on 30.3.2007.

4. The applicant was released on bail by the competent Criminal Court in the said offence. The charge-sheet was filed on record on 30.6.2007 and case was registered as Regular Criminal Case No.369 of 2007 and was allotted to the file

of learned 7th Judicial Magistrate First Class at Chandrapur.

5. The applicant remained continuously absent from the said criminal case. Consequently, non-bailable warrant was issued against present applicant and in execution of the said non-bailable warrant, the applicant was arrested and was produced before learned Judicial Magistrate First Class. Before learned Judicial Magistrate First Class, an application for bail was filed. The said was rejected. Against that a bail application was also filed before learned Additional Sessions Judge at Chandrapur. The said is also rejected.

Hence, this application.

6. According to learned counsel Shri M.N. Ali for the applicant, the case was transferred to another Court on 13.8.2008 and, therefore, she missed the date and could not remain present. It is also submitted that the applicant, thereafter, went to Chennai, in the result she could not appear before the Court. It is also submitted that the son of the applicant is a handicapped and, therefore, a lenient view be taken against the present applicant and the applicant be released on bail.

7. It is to be noted that the applicant was enlarged on bail in the year 2007 on certain conditions. The applicant ought to have attended the criminal case on given dates. The applicant was found absent continuously from 2007. Due to non-

cooperation of the applicant, the Trial Court not proceed.

8. It is to be noted that since the applicant was absconding, proclamation under Section 82 of the Code of Criminal Procedure was also issued. No case is made out for any indulgence. The criminal application is rejected.

JUDGE

!! BRW !!