

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

CRIMINAL APPLICATION (BA) NO.1185/2017

Gunwant s/o Buddhidas Meshram ..vs..State of Maharashtra thr. PSO P.S.
Bramhapuri, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. N. S. Giripunje, Advocate for applicant.
Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 11, 2017

Heard Mr. Giripunje, Advocate for the applicant
and Mr. Jawade, A.P.P. for the non applicant-State

Though the application is coming for the first
time, it can be disposed of without there being reply from
the prosecution.

The applicant is prosecuted for an offence
punishable under Sections 343, 332, 504 and 506 of the
Indian Penal Code in Crime No. 142/2015 registered with
Police Station, Bramhapuri.

The competent Court has released the applicant
on bail. However, it was noticed by the Courts below that
the applicant has formed the habit of not remaining present
on the given dates before the learned Judge of the trial
Court, consequently the trial was obstructed. On numerous
occasions, the nonailable warrants were issued by the
learned Magistrate for procuring presence of the applicant.
However, subsequently, the applications for cancellation of
the said nonailable warrants were filed by present

applicant and the Court below, by taking a lenient view, used to cancel the nonailable warrants. Still, the applicant has not mend his ways and has continued his habit of not remaining present before the learned Magistrate. Consequently, the nonailable warrant was issued and he was taken into custody.

The applicant has filed an application for bail before the learned Sessions Court vide Misc. Criminal Application No.1297/2017. The learned Assistant Sessions Judge, Chandrapur, while observing the past conduct of the present applicant, has rejected the application for bail and in my view, rightly so. Hence, the present application is filed.

The learned counsel submitted that a lenient view may be taken and he assures this Court that he will remain present before the Court.

There is a limit of giving assurances on the part of the applicant. Previously also, when the applications for cancellation of the nonailable warrants were filed, those were considered sympathetically and were allowed. However, it appears that the applicant has taken the law for a ride. The applicant, it appears that has a scant respect to the law. When the applicant was released on bail, it was his duty to attend the Court. No case is made out by the applicant for grant of the discretionary relief. The application is therefore rejected.

JUDGE