

on 1st February, 2018 and on Applicant's remaining present before the trial Court on 14th March, 2018, and on his application for cancellation of NBW, by impugned order, application came to be rejected and Applicant is taken into custody. On the earlier date, directions were given to Applicant to make statement with regard to progress in the sessions trial after Applicant is taken in the custody on 14th March, 2018. Learned counsel for Applicant, on the basis of roznama of concerned proceeding, submits that trial was fixed on 3rd April, 2018. However, on that date, no evidence could be recorded and now matter is adjourned to 17.4.2018.

2. Learned trial Court finding that as Applicant was absent on 1st February, 2018 on which day, witnesses were present, however, their evidence could not be recorded for want of presence of applicant, issued NBW and thereafter had also issued notice to Applicant's surety, who in spite of service, did not remain present, nor produced the Applicant before the trial Court and thus, by impugned order, application filed for cancellation of NBW came to be rejected and Applicant was taken in the custody.

3. Considering the fact that Applicant was on bail, which

was granted in his favour observing that case of prosecution against Applicant is doubtful, application is liable to be allowed by imposing strict condition as per order below:

- (i) Applicant be released on bail on his executing PR bond in the sum of Rs. 25,000/- with one surety in the like amount;
- (ii) Applicant shall remain present before the trial Court on the fixed date of hearing without fail. It is clarified that if Applicant fails to attend trial Court, even on a single date, this order shall automatically stand cancelled.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath