

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.28 OF 2018

Pongya alias Maruti Hari Gaikwad Applicant

Vs.

The State of Maharashtra Respondent

Mr. Abhijit Bachakar for the Applicant.

Ms. Veera Shinde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 8th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is seeking enlargement on bail in Sessions Case No.457 of 2014. The applicant herein was arrested on 11th April 2014 in Crime No. 154 of 2014, registered at Yerwada Police Station, on 6th April, 2014, for the offences punishable under Sections 307, 323, 143, 147, 148 and 149 Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3 In fact the applicant was enlarged on bail even before filing of charge-sheet i.e. in the month of May 2014. However, the applicant has chosen to absent himself from the trial, hence the charge could not be framed. The charge-sheet was filed on 2nd July 2014. On 28th October, 2014, the applicant had filed an application seeking exemption from appearance through an Advocate. The said application was granted. The applicant has criminal antecedents. On 17th September 2014, the applicant was produced through Jail authorities. Thereafter the applicant had again filed an application seeking exemption. The matter was posted for framing of charge since October, 2015. However, the applicant had not remained present and hence the learned Sessions Judge was constrained to issue a non-bailable warrant. The non-bailable warrant was executed and the applicant was produced before the Court on 6th September 2017. The applicant had filed an application seeking enlargement on bail and the application was rejected on the same day i.e. on 6th September 2017. The applicant has committed breach of the conditions imposed upon him while granting bail and had jumped the bail. In view of this, there is no guarantee that the applicant would remain present to face the trial. The application is therefore rejected.

(*Smt. Sadhana S. Jadhav, J*)