

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

**CRIMINAL APPLICATION No.1341 OF 2018
IN
CRIMINAL APPEAL NO.808 OF 2014**

Manojkumar Satnarayan Paswan @ Gabbar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Arun Rajput for the Appellant
Ms.Veera Shinde, APP, for the Respondent – State
Mr.Parab Nitin Mahadeo, PSI, Aarey police station – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 30, 2018

P.C.:

1. This application is moved for releasing the applicant/accused on bail pursuant to the order dated 12.8.2015 passed by this Court in Criminal Appeal No.808 of 2014.

2. Perused all papers. Heard submissions of the learned Counsel for both sides. The applicant/accused is convicted for the offences punishable under sections 363, 365, 376 of the Indian Penal Code and sentenced to 10 years imprisonment. When the accused moved the criminal bail application, this Court by order

dated 12.8.2015 granted bail to him on executing PR bond in the sum of Rs.20,000/- with one or two sureties for the like amount. However, he could avail of the bail because he could not give surety. The applicant/accused hails from the State of Bihar. In the meanwhile, the applicant made an application for parole and parole was granted for one month. Thus, he was out of prison on parole on 4.2.2016. He did not come back to jail after one month. He had to be arrested and brought back from Bihar on 27.4.2018 as he was absconding. The submissions of the learned Counsel that today, the applicant/accused is in a position to furnish surety and the bail amount and, therefore, he is to be released on bail, cannot be accepted. This is mainly on the point that he may not be available at the time of hearing of the appeal.

3. The learned Prosecutor has submitted a report of the police dated 3.9.2018 which was submitted to the learned Public Prosecutor. The said report discloses that the applicant/accused did not return for 2 years and 5 months and, therefore, a non-bailable warrant was issued by the Sessions Court, Dindoshi. The police had to travel to Narwara, District Shivhar, Bihar, to arrest him.

4. In view of this history and conduct of the accused, it is difficult to accept that the applicant/accused will be available at the time of this hearing of appeal. The application is rejected. However, the hearing of the Appeal is expedited.

5. The application is disposed of accordingly.

(MRIDULA BHATKAR, J.)