

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

CRIMINAL APPLICATION NO. 1314 OF 2018

Ashwani Pishorilal Sharma

... Applicant

Vs.

CBI, Mumbai & Anr.

... Respondents

...

Mr. D.H. Shukla for the applicant.

Mr. H.S. Venegavkar for the Respondent-CBI

...

CORAM : PRAKASH D. NAIK, J.

DATE : 1st NOVEMBER, 2018.

P.C.

1. Not on board. Taken on board.
2. Heard both sides.
3. This is an application challenging the order dated 25th October, 2018 passed by the Sessions Court rejecting the application for exemption and issuance of non-bailable warrant and forfeiting bail bond. Applicant was granted bail by the Sessions Court on 11th October, 2011. Subsequently, the order was modified and applicant was permitted to execute cash surety of Rs.1,50,000/-. Learned counsel for the applicant drew my attention to the Roznama of the trial Court. It is submitted that he had been attending the court regularly. It is submitted that while granting permission to applicant to furnish cash security vide order

dated 28th July, 2016, the Court had observed that the applicant has regularly attended the Court since he was released on bail in the year 2011. Apparently, he was absent on 25th October, 2018 and application for exemption was preferred. Said application was rejected. The Court also proceeded to issue non-bailable warrant and bail bonds fortified. In the circumstances order forfeiting bail bonds was not warranted. It appears that applicant has been attending the said proceedings since 2011. In the circumstances, I pass the following order.

ORDER

- i. Order dated 25th October, 2018 issuing non-bailable warrant and direction that bail bonds be forfeited is set aside by restoring the bail order;
- ii. Applicant is directed to appear before the trial Court on 14th November, 2018. Thereafter, applicant shall attend the Court regularly, unless exempted by the Court for some reason.
- iii. Application stands disposed off.

(PRAKASH D. NAIK, J.)

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Sachidanand
Kuttan Nair
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