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

CRIMINAL BAIL APPLICATION NO.3009 OF 2017

Sandeep Gore

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.H.P.Ingle i/b Mr.T.N.Khandare, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with Sessions Case No.367 of 2012, which is pending before the Sessions Court.
3. Learned Counsel for the applicant has tendered an Affidavit/Undertaking of the Applicant, affirmed before the Senior Jailor, Mumbai Central Prison, Mumbai. The same is taken on record. In the said Affidavit/Undertaking, the applicant has undertaken to abide by the

conditions that may be imposed by this Court. He has also undertaken to attend the trial on every date, except in exceptional circumstances.

4. Perused the papers. The applicant was arrested for the alleged offences punishable under Sections 307, 326, 324, 353, 332, 143, 144, 148, 149, 427, 504, 506(2) of the Indian Penal Code. It appears that after investigation, the applicant was enlarged on bail by the Sessions Court. It appears that as the applicant had failed to appear before the learned Sessions Judge, the learned Sessions Judge, issued NBW, as against the applicant, pursuant to which, he was arrested and taken into custody. The applicant thereafter filed an application seeking his enlargement on bail, which was rejected by the learned Sessions Judge, vide order dated 16th November, 2017.

5. In view of the Affidavit/Undertaking given by the Applicant, i.e. he is ready to abide by the conditions that may be imposed by this Court and that will attend the trial on every date, except in exceptional circumstances, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.20,000/-, for a period of four weeks;
- (ii) The Applicant shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;
- (iii) The Applicant shall attend the concerned Police Station, on first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iv) The Applicant shall not leave the jurisdiction of Mumbai and Thane City, without the permission of the Court;
- (v) The Applicant shall co-operate in the conduct of the trial;
- (vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by

the Applicant, in the Registry of the trial Court, within two week's of his release;

vii) If there are 2 consecutive defaults in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail;

viii) A copy of the undertaking filed by the Applicant in this Court be also placed on the record of the trial Court.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)