

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.224 of 2018

Vicky s/o Giridharilal Dhamone

vs.

State of Maharashtra, through P.S.O. Umarkhed, District Yavatmal

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri V.N. Patre, Advocate for the Applicant.
 Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 19th APRIL, 2018.

Heard.

Perused the reply of the prosecution and the case diary.

Although it is alleged that this applicant was absconding since last about 10 years, the explanation given by the learned Counsel for the applicant, in the facts and circumstances of the case, seems to be plausible, which would enable this Court to *prima facie* infer that this applicant may not have been actually absconding as he has been tried to be shown by the Investigating Officer. He submits that the applicant never knew that any offence has been registered against him and this fact could be guessed from such circumstances as non-service of any summons, non execution of any warrant and non-issuance of any proclamation against this applicant. It appears that no such efforts have been really made in this case and therefore, this applicant could not viewed as a person, who deliberately absconded in the present case.

The reply of the prosecution discloses that the presence of this applicant is necessary for further investigation and filing of additional charge-sheet. The reply does not say that the custodial interrogation of the applicant would be necessary. Therefore, the purposes shown in the reply could be achieved by imposing suitable conditions.

In the result, I find that this application deserves to be allowed.

The application is allowed and the interim anticipatory bail granted to the applicant by this Court on 5th April, 2018 is hereby confirmed on the same conditions with the addition of the following conditions:

- i. Now, the applicant shall regularly attend the Court on the dates fixed in the trial.
- ii. The applicant shall co-operate with the trial Court in expeditious disposal of the case.

The application is disposed of in the above terms.

**sandesh*

JUDGE