

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

CRIMINAL APPLICATION (BA) NO.350/2018

(Ajay @ Suraj s/o Arunrao @ Annaji Thakare Vs. State of Mah. Through PSO., PS.Sitabuldi, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Anil Mardikar, Sr.Advocate for applicant.
Ms. Ritu Kalia, APP for non-applicant/State.

CORAM : S. B. SHUKRE, J.

DATE : APRIL 27, 2018

Heard Shri Anil Mardikar, learned Senior Counsel for the applicant and Ms. Kalia, learned APP for the State. Perused the reply of the prosecution and the charge-sheet.

This applicant is in Jail since 05.06.2017. The offences alleged against him those are punishable under Sections 419, 420, 465, 467, 468, 471 and 474 of IPC. These are the offences which are mostly based upon the documentary evidence. The evidence, as one can see from the size of the charge sheet, is quite voluminous. Therefore, I find that the conclusion of the trial in a case like the present, is likely to take considerable period of time. In such a scenario, the question would arise as to just because there are criminal antecedents to this applicant, in which the allegations are more or less of similar nature, this applicant be kept behind bars till conclusion of the trial or not. The answer, of course, in

such a case, has to be given in the affirmative manner, if one can see that the trial is likely to be concluded within a short period of time. But, considering the voluminous documentary evidence, happening of such an event seems to be a quite distant hope.

Learned APP also does not have any instructions in the present case. The learned Senior Counsel appearing on behalf of the applicant submits that so far no charge has been framed against this applicant. So, one can reasonably take that the chance of conclusion of the trial, atleast for the present, in near future is bleak. Therefore, I am of the view that in a case like this, it may not be appropriate for this Court to reject this application only because there are criminal antecedents to this applicant.

Apart from what has been stated above, the main accused who were involved in executing the sale deed in a fraudulent manner by presenting before the Sub-Registrar an impostor of father of the vendor have been already released on bail. This applicant is a vendee. So on parity, the case of this applicant stands on much better footing.

In the result, I find that this application deserves to be allowed and is allowed accordingly. It is directed that the applicant be released on bail on his furnishing PR Bond of Rs.50,000/- together with one solvent surety in the like sum on the following conditions:

(i) The applicant shall regularly attend the Court on the dates fixed in the case against him and shall cooperate with the trial Court in expeditious disposal of the case.

(ii) The applicant shall not tamper with the prosecution witnesses.

(iii) The applicant shall report to the concerned police station on every Sunday between 5 and 6 p.m. till conclusion of the trial.

(iv) The applicant shall maintain peace and good behaviour and shall not indulge in any criminal activity, failing which, the liberty so granted to the applicant shall be liable to be cancelled at the instance of the prosecution.

The application stands disposed of.

JUDGE

Andurkar.