

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

**Criminal Application [ABA] No.264 of 2018**

*Subol Jugal Mandal*

vs.

*State of Maharashtra, through P.S.O. Mulchera, Tah. Mulchera, Dist. Gadchiroli*

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

*Court's or Judge's Orders*

*Shri S.S. Dhengale, Advocate for the Applicant.  
 Shri M.K. Pathan, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE, J.**  
**DATE : 19<sup>th</sup> APRIL, 2018.**

Heard.

Perused the reply of the prosecution and the case diary. So far as the role played by this applicant is concerned, it is no different from those, who have been granted anticipatory bail by this Court and there is no dispute about this fact. However, the learned A.P.P. submits that this applicant has been all the while absconding and absconding of the accused was one of the factors for denial of bail by the Apex Court in the case of Lavesh vs. State (NCT of Delhi) - 2012 LawSuit (SC) 562. It is true that this would certainly be a factor for considering the exercise for discretion in such matters, especially against the applicant seeking his release on anticipatory bail. But, there has to be some material on record to show

that this applicant deliberately avoided his presence before the Investigating Officer or his being arrested by the Investigating Officer. No such material could be seen to be present in this case. Even in the case of Lavesh, the accused was a proclaimed absconder, which is not the case here. Therefore, it is difficult at this stage to treat this applicant as absconder, who deliberately avoided his arrest in this case. So, the finding that this applicant is identically situated as the other co-accused especially Deepak Gurupad Biswas in Criminal Application [ABA] No.220 of 2018, who has been granted anticipatory bail by this Court on 12<sup>th</sup> April, 2018, recorded earlier would lead me to infer that this application can be allowed.

The application is allowed and it is directed that in the event of arrest of the applicant in Crime No.74/2017, registered with Police Station Mulchera, District Gadchiroli, the applicant shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.30,000/- together with one solvent surety in the like sum on the following conditions :

- i. The applicant shall attend the concerned police station everyday between 11:00 a.m. and 01:00 p.m. for a period of one week

starting from 21<sup>st</sup> April, 2018 and thereafter on every Sunday between 04:00 p.m. and 05:00 p.m. till conclusion of the trial.

- ii. He shall co-operate with the trial Court in expeditious disposal of the case.
- iii. He shall not tamper with the prosecution witnesses in any manner.
- iv. He shall maintain peace and good behaviour and shall not indulge in any criminal activities, failing which, the protection hereby granted to the applicant shall be liable to be cancelled at the instance of the prosecution.

The application is disposed of as such.

**JUDGE**

*\*sandesh*