

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

CRIMINAL APPLICATION (BA) 550 OF 2018

(Shri Dharma @ Krishna s/o. Nimai Roy..vs.. State, thr PSO PS Gadchiroli)

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

Court's or Judge's orders.

Shri R.M. Daga, counsel for the applicant.
Shri T.A. Mirza, Additional Public Prosecutor for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 21st June, 2018.

Heard.

2 The applicant was arrested on 22.4.2013 in Crime 56 of 2013 registered at Gadchiroli Police Station for offence punishable under section 489(B)(C) read with section 34 of the Indian Penal Code.

3 It is not necessary for this Court to state the facts in detail since the bail bonds are cancelled and the applicant taken into custody since he did not appear before the trial Court on certain dates.

4 The learned trial Court has noted that the applicant Dharma Roy remain continuously absent since 30.1.2017 and since his presence could not be secured, the bail bonds were forfeited. The trial Court further noted that because of the absence of the applicant even the charge could not be framed.

5 The apprehension expressed by the learned trial Court that the applicant may abscond if he is released on bail, is not unfounded. However, some balance will have to

be struck between this apprehension and the liberty of the applicant.

6 The applicant can be released on bail subject to stringent conditions.

7 The applicant be released on bail subject to he furnishing cash surety of Rs.1,00,000/- lac (rupees one lac) before the trial Court.

8 It is made clear that the first default in appearing before the Court, unless the presence of the applicant is exempted, shall entail immediate forfeiture of the cash surety. However, notwithstanding this direction, in exceptional and extraordinary situation, the learned trial Court is at liberty not to invoke the forfeiture condition. However, the learned trial Court shall have to record reasons for not invoking the forfeiture condition.

9 The application is allowed in the afore stated term.

JUDGE

RSB