

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3093 OF 2019

Khushwant Kashinath Sawant

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kirankumar J. Phakade for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th December 2019

PC :

1. The applicant was granted bail in CR No.152 of 2017 vide order dated 18th November 2017. The proceedings were then pending before the Court of JMFC, Khandala. Thereafter charge sheet was filed. The applicant remained absent. From 17th June 2019 the applicant did not attend the proceedings before the Court of JMFC. Non-bailable warrant (NBA) was issued against him. Pursuant to that the applicant moved an application for cancellation of NBA. The said application was rejected and applicant was taken in magisterial custody on 29th July 2019.

2. Subsequently application for bail was preferred before the Court. The application was rejected by Additional Sessions Judge, Satara, by order dated 20th August 2019. The reasons assigned by learned Judge in the order rejecting bail indicate that in the absence of applicant, the case could not be committed to the Court of Sessions and hence the NBA was issued. The application for bail preferred before the Trial Court was rejected on the ground that the

applicant was absent on several occasions. Considering the said circumstance, the learned Sessions Judge rejected the application for bail.

3. Learned advocate for applicant submits that the applicant is Driver and is required to stay out of station. He was also suffering from ailment and was undergoing treatment at Jejuri. Learned counsel for applicant submits that the applicant would attend Trial Court regularly on the date of hearing of the case. Considering the fact that the applicant was granted bail earlier and he was taken in custody because he did not remain present before the Court, on certain terms and conditions bail can be granted to the applicant.

4. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3093 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in CR No.152 of 2017 registered with Lonand Police Station, District Satara, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall regularly appear before the Court of JMFC and after committal of the case before the Trial Court on every date of hearing, unless exempted by the said Court for some reason.

(PRAKASH D. NAIK, J.)