

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.60 OF 2019

Vishal Ramesh Kasare

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Sagar Kasar a/w. Mr.Amol Wagh, Advocate for the Applicant.
Mrs.G.P. Mulekar, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 15, 2019.

P.C. :

This is an application for bail in connection with C.R.No.413 of 2004, registered with M.R.A. Marg Police Station, Mumbai, for the offences punishable under Sections 353, 332, and 504 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was registered on 20th December, 2004. It is alleged that the applicant at the relevant time was driving the vehicle and had obstructed the public servant in discharge of their duties. Applicant was granted bail in 2004. Subsequently, charge-sheet was filed against the applicant. Since he was not attending the trial Court, Non Bailable Warrant (“NBW”, for short) was issued against him. NBW was cancelled on 23rd June, 2016, subsequently, the applicant again did not

attend the trial Court and after about two and half years, he was arrested on 27th November, 2018. Applicant thereafter preferred an application for bail before the Sessions Court, which has been rejected.

2 Learned counsel for the applicant submits that in the event the applicant is granted bail, applicant would attend the trial Court regularly. It is further submitted that the applicant would be residing with his father at 34/02/02 M.R. Ambedkar Nagar, G-Line, Worli, Mumbai-400 018. It is submitted that the applicant is married on 10th May, 2018. Father of the applicant has filed affidavit dated 15th January, 2019, stating that the applicant would reside with him at the address mentioned therein and referred to hereinabove, in case he is granted bail. The affidavit filed by the father of the applicant is taken on record and marked “X” for identification. It is also submitted that the applicant is externed for a period of two years from Mumbai and other districts from 17th February, 2017 till 17th February, 2019. It is further submitted that after applicant is being released on bail, he would enter the jurisdiction of Mumbai on expiry of the period of externment i.e. 17th February, 2019. Learned APP submitted that the applicant was not available for a long period of time.

Even in pursuant to the cancellation of the NBW, he did not attend the trial Court for a period of two and half years. Applicant has performed his marriage during the period of externment order, although, he was not permitted to enter within the jurisdiction of Mumbai.

3 It is noted that the applicant is prosecuted for the offence punishable under Section 353 and 332 of IPC, he was granted bail. It is contended by applicant that the applicant had performed marriage and he would reside with his father, as indicated in the affidavit filed by his father. Considering the aforesaid circumstances, on certain terms and conditions, applicant can be granted bail.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.60 of 2019, is allowed;
- (ii) The applicant is directed to be released in connection with C.R.No.413 of 2004, registered with M.R.A. Marg Police Station, Mumbai,

which is subject matter of Criminal Case No.50/PS/2005, pending in the Court of Additional Chief Metropolitan Magistrate 38th Court, Ballard Pier, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

(iii) Applicant is directed to attend M.R.A. Marg Police Station, Mumbai, on first Saturday of every month between 11:00 a.m. to 01:00 p.m., till conclusion of the trial;

(iv) Applicant shall enter within the jurisdiction of Mumbai and attend the M.R.A. Marg Police Station, Mumbai, as stated above after 17th February, 2019;

(v) Criminal Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)