

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

CRIMINAL BAIL APPLICATION NO.187 OF 2019

Dhiraj @ Yeshwant Dharmaraj Gaikwad	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Nitin Dalvi I/by Mr.Amruta Devkat for the applicant.
Smt.A.A. Takalkar, APP for State.
Mr.C.B.Patole, ASI, Pimpalgaon-B (police station), Tal.Niphad, Nashik.

CORAM : P.N. DESHMUKH, J.
DATE : 11th March 2019

P.C.:

. Heard learned counsel for the applicant and learned APP.
Investigating Officer is also present.

2. Learned counsel for the applicant orally seeks leave to correct the name of the police station in the cause title of the application. Leave as prayed is granted. Amendment to be carried out forthwith.

3. This application is filed for bail in Crime No.I/156/14 registered with Pimpalgaon Police Station, District Nashik under Sections 394, 397, 341 read with 34 of IPC.

4. Learned counsel for the applicant submitted that applicant was released on bail by trial court by an order dated 4th April 2015 and thereafter, after filing of charge-sheet, since the applicant was not served with notice, did not remain present before the trial Court and in that circumstances, NBW was issued against him and on execution of the

same, he is taken in custody. Order of the trial Court granting bail as well as subsequent order order 27th November 2018, rejecting bail of the applicant after he was taken into custody on execution of NBW are forming part of the record. It is, therefore, seen that having been released on bail, the applicant is in custody since November 2018 as did not remain present at the time of filing of charge-sheet.

5. Learned trial Court while rejecting the application observed that if the applicant is released on bail, there is a possibility of applicants absconding and as such trial would be prolonged.

6. In the circumstances, the application can be allowed by imposing suitable conditions as per order below:-

ORDER

(i) Application is allowed. Applicant shall be released on bail in C.R. No.I/156/14 registered with Pimpalgaon Police Station, District Nashik for the offence under Sections 394, 397, 341 read with 34 of IPC, on executing P.R. Bond in the sum of Rs.40,000/- with one surety in the like amount;

(ii) While on bail, applicant shall mark his presence with Investigating Officer, Pimpalgaon Police Station, District Nashik on 15th day of each month. In addition to marking of presence as above, applicant shall mark his presence with the Registrar of the Court of Additional Sessions Judge, Niphad on 1st day of each month.

P.N. DESHMUKH, J.