

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1039 OF 2019
IN
CRIMINAL APPEAL NO. 430 OF 2016**

Mr. Timesh Hanumanta Malamal. ..Applicant.

Versus

The State of Maharashtra & anr. ..Respondents.

Mr. Prashant Thombre i/b. Mr. Yogesh Bamne, advocate for
appellant.
Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 6, 2019.

P. C. :

1 Heard the learned Counsel for the applicant and the
learned APP for State.

2 The applicant herein was granted bail by this Court
vide order dated 29/6/2016. The appeal is admitted. While
suspending the substantive sentence and enlarging him on bail,
this Court had imposed following conditions :

“(b) After his release from Jail, the applicant shall
attend the Trial Court once in six months on every first
Monday of the said month between 11.00 a.m. to 1.00

Talwalkar

p.m.

(c) In case of any two consecutive defaults in attending the Trial Court by the applicant the prosecution will be entitled for seeking cancellation of bail granted by this Court.”

3 Non-bailable warrant was issued since the applicant had committed breach of the condition imposed on 29/6/2016. Hence the Session Court was constrained to issue non-bailable warrant, which was executed on 26/12/2018. The applicant had approached this Court by filing application i.e. Criminal Application No. 219 of 2019. The said application was rejected on 21/2/2019 and the applicant was granted liberty to renew his prayer for bail in the first week of June, 2019. Hence, the present application.

4 Learned Counsel for the applicant upon instructions submits that the applicant would abide by the undertaking that he would attend the Special Court under POCSO, Gr. Bombay. In view of this, since the applicant has been in custody for 6 months after he was taken in custody, he deserves to be granted bail.

5 Hence, following order is passed :

Talwalkar

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- with one or more solvent sureties in the like amount.
- (iii) Upon being enlarged on bail, the applicant shall mark his presence before the Additional Sessions Judge, Gr. Mumbai once in 3 months on the date assigned by the learned Sessions Court. Upon failure to attend any two consecutive dates, the learned Sessions Court, Gr. Mumbai shall report to the High Court and the prosecution is at liberty to move for cancellation of the bail.
- 6 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]