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

CRIMINAL BAIL APPLICATION NO.1917 OF 2019

Ravindra Lalmani Shukla

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rajesh Sharma a/w Mr.Burzin Bharucha and Ms.Payal Jain, i/b
Mr.Nilesh Tribhuvann, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.73 of 2005, registered with the Economic Offences Wing, Unit - 5, Mumbai, for the alleged offences punishable under Sections 379, 465, 467, 468, 471, 420 and 120B of the Indian Penal Code.

3. Perused the papers. After registration of the aforesaid FIR, the learned Magistrate enlarged the applicant on bail sometime in 2005. it appears that as the applicant was not attending the trial Court, the learned Magistrate issued a standing NBW, as against the applicant, pursuant to which, the applicant was arrested on 26th February, 2019. The applicant preferred an application seeking his enlargement on bail, which was rejected by the learned Magistrate on the ground that the case was an old case and accused was absent for several years, resulting in the matter being prolonged. The learned Magistrate also observed that the applicant has misused his liberty and if he is released, he will abscond. The said order was challenged by the applicant in the Sessions Court and the learned Additional Sessions Judge, Greater Bombay, vide order dated 26th June, 2019 rejected the applicant's application for bail.

4. Learned Counsel for the applicant has tendered an affidavit-cum-undertaking of the applicant. The same is taken on record and marked 'X' for identification. In the said an affidavit-cum-undertaking, the applicant has undertaken to personally remain present on each and every date before the learned Magistrate in connection with his case. The applicant has also

tendered his apology for not attending the Court. The applicant has further stated that he will not delay the trial and will not cause any hindrance in smooth disposal of the case.

5. Having regard to the affidavit-cum-undertaking tendered by the applicant to this Court, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.50,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- iii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

- iv) The Applicant shall place on record a xerox copy of the affidavit-cum-undertaking tendered by the applicant, in the trial Court;
- v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court;
- vi) An undertaking to the aforesaid clauses (iii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;
- vii) If there is breach of the affidavit-cum-undertaking or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.