

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2089 OF 2019**

Arun Ramdhani Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Shambhu M. Jha for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 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. 299 of 2008 (Case No. 3424/PW/2008) registered with the Goregaon Police Station, for the alleged offences punishable under Sections 454, 457, 380 of the Indian Penal Code.

3 Perused the papers. The applicant was arrested in connection with the aforesaid C.R. on 16th July 2008. On 22nd July 2008, the learned Metropolitan Magistrate granted bail to the applicant. After completion of investigation, charge-sheet was filed on 24th December 2018, as reflected in the Roznama. According to the learned counsel for the applicant, as the

applicant was not informed of the date of filing of the charge-sheet, he could not remain present before the Metropolitan Magistrate and hence, a bailable warrant was issued for Rs. 2000/- as against the applicant. It appears that on 8th November 2017, the Court, on its own motion, issued a non-bailable warrant against the applicant as well as proclamation. Pursuant thereto, the applicant was arrested on 26th April 2019. It appears that the applicant had filed an application for bail before the Sessions Court, which was rejected, pursuant to which, he filed an application before the learned Sessions Judge, which was also rejected.

4 Considering the conduct of the applicant, no fault can be found in orders refusing to grant bail to the applicant. Today, learned counsel for the applicant has tendered an affidavit of the applicant, wherein, the applicant has undertaken to remain present before the trial Court on every date, except in exceptional circumstances. The said affidavit is taken on record and marked 'X' for identification.

5 Having regard to the affidavit filed by the learned counsel for the applicant, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 15,000/-, for a period of four weeks;
- (ii) The applicant shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs. 15,000/- with one or two local sureties in the like amount;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vi) The applicant shall file an undertaking with regard to clauses (iii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court, except in exceptional circumstances, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is accordingly disposed of. Since the trial is of the year 2008, learned Judge to dispose of the case expeditiously.

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

REVATI MOHITE DERE, J.