

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

BAIL APPLICATION NO.2382 OF 2019

Subhash Selvaraj

... Applicant

Vs

The State of Maharashtra

... Respondents

...

Mr. Prashant Gurav for the Applicant.

Mr. A.P.Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.

DATE : 6th NOVEMBER, 2019

P.C. :

Heard learned counsel for the applicant and the learned APP for the State. Applicant is accused in Crime No.51 of 2010 registered with Aarey Police Station on 15th April, 2010 for the offences punishable under Sections 143,144, 147, 148, 307, 324 read with Section 34 of the Indian Penal Code, 1860 ('**IPC**' for short) and Sections 4 and 25 of the Indian Arms Act. One Shrinivas Chelliya lodged FIR against the applicant and other eight persons. Charge-sheet in the crime was

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filed in the year 2011. At the relevant time, applicant was reported absconding. As such, eight accused were tried in the Sessions Case No.85 of 2010 and the learned Sessions Judge convicted all of them and sentenced to suffer two years rigorous imprisonment and fine of Rs.10,000/- each.

2 On 16th April, 2019, present applicant came to be apprehended. He seeks release on bail; his two applications were rejected by the learned Sessions Judge. Supplementary charge-sheet has been filed against this applicant.

3 Applicant denies that he was ever absconding and accordingly, raised ground in application. In support of contention, the learned counsel for the applicant has drawn my attention to the certificate issued by M/s. M.N.Dastoor Company (P) Limited. Certificate is dated 30th September, 2015. It shows that he was employed with the said company since October 1, 2015. Except this certificate, applicant

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has not placed any material to support his contention that he was always available at his residence since after registration of the crime till the conclusion of the trial.

4 In view of this, I hold that the applicant was absconding and as such, was not available for the trial.

5 In the course of the trial, the learned Trial Judge relied upon evidence of eye witnesses. The learned APP has drawn my attention to the evidence of P.W.14 wherein she has attributed role to the present applicant.

6 Be that as it may, since the applicant was absconding nearly for nine years, his conduct is relevant consideration.

7 In view of this application deserves no consideration. It is, accordingly, rejected.

(SANDEEP K. SHINDE, J.)