

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

CRIMINAL BAIL APPLICATION NO. 2425 OF 2018

Baban Pandurang Kalbhor ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Kuldeep S. Patil a/w Megha Bajoria I/by Prashant M. Patil for Applicant.

Mr. S. H. Yadav, APP for Respondent – State.

Mr. Nandkumar Y. Tadakhe, PSI, Police Station, Bhore, Pune (Rural) present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 4, 2019.

P.C. :

1. In Sessions Case No. 174 of 1997 pending on the file of Additional Sessions Judge, Pune for an offence punishable under Section 395 of the Indian Penal Code the Applicant was released on bail on 1st November 1993, thereafter having lost track of the said matter, was faced with non-bailable warrant and proclamation under Section 82 of the Code of Criminal Procedure.

2. The Applicant surrendered on 1st April 2018 and the trial has reached at an advance stage in which six witnesses are already examined

in which two witnesses are from Rajkot (Gujarat). The learned Counsel submits that out of the nine seven accused are already expired, one is absconding. It is this Applicant who is facing trial in the said crime.

3. The submission is made that the Applicant will not seek a single adjournment before the Sessions Court for whatsoever reason and shall attend the sessions proceedings in the aforesaid trial.

4. The learned APP opposed the claim for release of the Applicant on bail on the ground that the Applicant intentionally avoided the proceedings.

5. In view of an undertaking referred supra tendered before this Court that the Applicant will not seek a single adjournment and will present on each and every date before the Sessions Court in the aforesaid trial and having regard to the fact that out of the total accused seven accused are already expired, the trial has reached at an advanced stage of conclusion, in my opinion, it will be appropriate to order release of the present Applicant. As such, a case for grant of bail is made out. Hence the following order.

ORDER

- (A) The Applicant be released on bail in Crime No. 77 of 1992 for an offence punishable under Section 395 of the Indian Penal Code on executing PR Bond of Rs.50,000/- with one or more sureties in the like amount.
 - (B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
 - (C) A single default on the part of the Applicant in attending Sessions Trial will automatically result into cancellation of bail granted by this Court.
6. Criminal Bail Application stands allowed in above terms.

(NITIN W. SAMBRE, J.)