

Anand

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

BAIL APPLICATION NO. 2876 OF 2019

Satpal Singh Sabharwal .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Kashmira Bharucha i/b. Mr. Prasad C. Gajbhiye, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. C. S. Ghorpade, PSI, Bhandup Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.10.2019

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his release on bail in Sessions Case No. 1386 of 1996 DF of the Bhandup Police Station, Mumbai.

3. Perused the papers. A Complaint / FIR was lodged as against the Applicant and others with the Bhandup Police Station, Mumbai for the alleged offence punishable under Sections 307 r/w 34 of the Indian Penal Code. The Applicant was arrested in connection with the said offence on 20.02.1993 and enlarged on bail on 26.02.1993. It appears that the Applicant failed to appear before the Court and hence,

an NBW was issued by the Sessions Court, pursuant to which the Applicant was arrested and produced before the trial Court.

4. Learned counsel for the Applicant submits that the Applicant was throughout residing in the area and had not absconded. She submits that the Applicant was not served with any notice till he was arrested. Learned counsel for the Applicant submits that the Applicant is suffering from obesity, weighing 160 Kg, requiring assistance. Learned counsel on instructions states that the Applicant will inform the trial Court as well as the concerned police station of his address and contact number as well as will file an undertaking before the trial Court that he will remain present before the trial Court on all the dates, unless exempted by the trial Court. Statement accepted.

5. In view of the aforesaid, the Application is allowed on the following terms & conditions :-

ORDER

- (i) The Applicant be released **on cash bail** in the sum of Rs. 20,000/-, **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. 20,000/-** with one or two local sureties in the like amount;
- (iii) The Applicant shall file an undertaking in the trial Court

within one week of his release stating therein that he will inform the trial Court as well as the concerned police station of his address and mobile number and if there is any change in the same and that he will attend all the dates before the trial Court, unless exempted.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)