

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

CRIMINAL BAIL APPLICATION NO. 3523 OF 2019

Dyaneshwar Devgir Gosavi ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda for the applicant.

Mr. H. J. Dedhia, APP for the State/respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th December, 2019

PC :

1. This is an application for bail. The applicant is facing prosecution vide C.R. No. I-136/2019, registered with Ozar Police Station, Nashik, for the offences punishable under Sections 325, 323, 504, 506, 427 r/w. 34 of Indian Penal Code, 1860 ('IPC' for short). The investigation is completed and charge-sheet has been filed, proceedings vide Regular Criminal Case No. 10 of 2010, are pending before the Ld. JMFC, Pimpalgaon, Taluka-Niphad, District- Nashik.

2. The applicant was not present before the Trial Court on date of hearing, hence, non-bailable warrant was issued against him. He was taken into custody. He preferred an

application for bail before the Court which has been rejected.

3. Learned counsel for the applicant submitted that he has attended the Court. However, on few date he was absent. The applicant is willing to attend the Trial Court. Trial has commenced and two witnesses are examined.

4. It is noted that, the proceedings were pending since 2010. The order of the Sessions Court indicate that the applicant was absent on some occasions. Non-bailable warrant was issued. It is apparent that the applicant was on bail since 2010, until he was taken into custody. The applicant preferred an application for bail in pursuant which has been rejected. Considering the fact that the applicant is facing prosecution since 2010 and he was on bail, the applicant can be released on bail on certain terms and conditions.

ORDER

- (i) Bail Application No. 3523 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-136 of 2019, registered with

Ozar Police Station, Nashik, which is subject matter of RCC No. 10 of 2010. on furnishing P.R. Bond in the sum of Rs. 20,000/-, with one or more sureties in the like amount;

(iii) The applicant shall regularly attend the Trial Court on every date of hearing unless exempted by the Court in some reason;

(iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)