

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

CRIMINAL BAIL APPLICATION NO.3329 OF 2018

Aditya Vinay Jadhav

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mrs.Pooja Sejpal i/b.Mr.Nitin Sejpal, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 9, 2019.

P.C. :

This is an application for bail in connection with Sessions Case No.212 of 2014, pending in the Court of Additional Sessions Judge for Greater Mumbai at Dindoshi Division, Mumbai, arising out of C.R. No.46 of 2014, registered with Aarey Police Station, Mumbai. Offences were registered under Sections 302 and 364 read with 34 of Indian Penal Code.

2 First Information Report was registered on 22nd April, 2014. Initially the applicant was arrested on 10th August, 2014. On completing investigation, charge-sheet was filed. Case was

committed to the Court of Sessions. Applicant was granted bail on 31st March, 2015.

3 Apparently, the applicant did not remain present before the trial Court on 30th August, 2018 and 8th October, 2018. Hence, learned trial Court was pleased to issue Nonailable Warrant (“NBW”, for short) against the applicant on 2nd November, 2018, and applicant was taken in custody.

4 Applicant preferred an application for bail before the Sessions Court in pursuance to the execution of the NBW, which has been rejected on 10th December, 2018. Learned Judge while rejecting the application has observed that the applicant has not given any justifiable reason for remaining absent on two consecutive dates and violated the order of bail granted by this Court. The prosecution apprehends that the applicant may abscond.

5 Learned counsel for the applicant submits that the applicant has been attending the hearing of the case regularly after he was granted bail and only on two occasions he was absent. As the applicant had gone to his native place on 1st

August, 2018, he could not attend the trial Court on two consecutive dates.

6 Applicant was directed to be released on bail by this Court vice order dated 31st March, 2015. While granting bail, this Court had observed that the prosecution case rests only on the basis of circumstantial evidence and the qua applicant there is alleged motive and recovery of button knife at his instance. It is pertinent to note that since 2015, the applicant was granted bail and it is not alleged that applicant was repeatedly absent before the trial Court. Learned APP submitted that proper explanation has not been given by the applicant for remaining absent, and, his application is silent in that regard. However, considering the facts, as narrated hereinabove, applicant can be granted bail.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.3329 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with Sessions Case No.212 of 2014, pending in the Court of Additional Sessions

Judge for Greater Mumbai at Dindoshi Division, Mumbai, arising out of C.R. No.46 of 2014, registered with Aarey Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) The other conditions imposed vide order dated 31st March, 2015, passed by this Court in Criminal Bail Application No.2657 of 2014, shall remain intact;
- (iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)