

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APPA) No. 254/2019.

In

Criminal Appeal No. 138/2008.

(State of Maharashtra, Thr. PSO, PS Shivaji Nagar, Khamgaon, District Buldhana Vs.
Sudhakar Ramdas Gawai, District Buldhana.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M.K.Pathan, APP for State.
Shri S.S.Deshpande, Advocate for non-applicant.

CORAM : P.N.DESHMUKH & MRS. PUSHPA V. GANEDIWALA, JJ.

DATE : 06.06.2019.

Heard the learned counsel for the non-applicant and the
learned APP for State.

This application is for grant of bail by accused involved
in Crime No.32/2006, for the offence punishable under Section 302
of the Indian Penal Code. After trial, the accused came to be
acquitted by the learned trial Court. Against the said order of
acquittal, the State preferred an appeal. When the appeal came up
for hearing on 11/02/2019, the non-applicant was found not
present, nor was represented through the counsel. A non-bailable
warrant came to be issued against him. By order dated
28/02/2019, on execution of non-bailable warrant, the non-
applicant is taken into custody and he is in jail since then.

Apparently, from the facts as afore-stated, since the non-
applicant is lodged in custody on execution of arrest-warrant as he
was not present before the Court nor his counsel appeared before
the Court on the fixed date of hearing and as applicant's
involvement is in appeal against acquittal, the application is liable

to be allowed by imposing suitable conditions as per order.

ORDER

The non-applicant shall be released on bail on executing P.R. bond of Rs.50,000/- with one surety in the like amount.

The non-applicant shall appear before the Police Station Shivajinagar, Khamgaon on the first day of each month, pending the appeal.

In the event, the non-applicant fails to abide with the condition to mark his presence pending the appeal, the order shall stand revoked.

The application is disposed off in above terms.

Criminal Appeal No.138 of 2008.

The appeal be shown in the caption of final hearing in the week commencing from 24/06/2019.

JUDGE

JUDGE