

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

Criminal Application (ABA) No.408 of 2019

Ramesh s/o Babulal Bamlet @ Shri Ramesh s/o Babulal Mogare
Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M.Bhangde, Advocate for the applicant.
Mr. M.J.Khan, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 8, 2019

The applicant has approached this Court by way of this application, since the Sessions Court refused to entertain his application for grant of anticipatory bail.

2. While issuing notice on 27.6.2019 granted ad-interim protection to the applicant, this Court has noted the peculiar facts and circumstances of the present case as follows:

“The contention raised on behalf of the applicant is that the Sessions Court in the present case committed grave error in refusing to entertain an application for anticipatory bail filed on behalf of the applicant, only on the ground that standing warrant was issued against the applicant pursuant to the proceedings under Sections 82 and 83 of the Code of Criminal Procedure. It is the case of applicant that he was not at all aware about

pendency of Regular Criminal Case No. 46/1985, before the Court of 5th Judicial Magistrate First Class, Akola and that upon becoming aware of the same, he intended to appear before the said Court. It is pointed out that initially the Sessions Court had granted ad-interim protection, but, thereafter, the application for anticipatory bail was rejected only on the above noted ground. The peculiar facts and circumstances of the case show that the applicant has made out a case for grant of ad-interim protection.

Hence, in the event, the applicant is arrested in connection with Regular Criminal Case No.46/1985, pending before the Court of 5th Judicial Magistrate First Class, Akola, he shall be released on furnishing PR bond of Rs.15,000/- and surety of like amount. The applicant is directed to appear before the said Court in the aforesaid proceedings and to make himself available to the said Court as per directions that may be given by the Court”.

3. As per the directions given by this Court, the applicant has been attending proceedings before the Sessions Court. In the reply, it is contended on behalf of the non-applicant-State that the applicant had remained absconding, while charge-sheet has been filed way-back on 22.12.2018 under Section 299 of the Cr.P.C.

4. Considering the fact that the applicant is now attending the proceedings before the trial Court, the present application deserves to be allowed. Accordingly, the application is allowed, subject to the condition that the applicant shall continue to attend

proceedings before the Sessions Court at Akola on each and every date, without default. The Trial Court is directed to expedite the proceedings, considering that the present case is pending since the year 1985. The trial be completed and the judgment be rendered by Sessions Court at Akola, within a period of one year from today.

JUDGE

Ambulkar