

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

CRIMINAL APPLICATION (BA) NO.663/2019

Babulal s/o Bhopati Naik .vs. State of Maharashtra, through PSO p.s. Mana,
Tq. Murtizapur, Dist. Akola.

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

Court's or Judge's orders.

Mr. A. d. Giradkar, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 20, 2019

Heard Mr. Giradkar, learned counsel for applicant
and Mr. Khan, learned A.P.P. for non applicant-State.

Satyabhan filed report, which has culminated into
registration of an offence i.e. Crime No.16/2016 for an
offence punishable under Sections 363 read with Section 34
of the Indian Penal Code and Sections 8 and 12 of the
Protection of Children From Sexual Offences Act, with Police
Station, Mana, Tq. Murtizapur, Dist. Akola.

The applicant is father of main accused, with
whom the victim eloped. The applicant was arrested on
02.05.2016. Subsequently, he was released on bail as it
could be seen from the reply filed on behalf of the State.
Main accused was released on bail.

The applicant's liberty was curtailed by learned
Special Judge before whom the trial was pending since it
was noticed by the Court that the applicant is not attending
the Court. Pursuant to execution of non bailable warrant, the
applicant was taken into custody on 31.01.2019 and since

then he is languishing in jail. He moved an application in Sessions Trial No. 222/2016 below Exh.-22 for bail, which is rejected. Hence, the present application.

On merit, applicant was released on bail previously. According to learned counsel for the applicant, he could not remain present in the trial due to ill health of his wife. It appears that, his wife has lost her life.

In my view, learned Judge of trial Court ought to have considered this aspect sympathetically. Since, all the allegations are against son of present applicant, who is already released on bail, in my view, present applicant can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Babulal s/o Bhopati Naik be released on bail on he executing P.R. Bond in the sum of Rs.20,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend all the dates of Sessions Trial scrupulously and shall not hinder the progress of Sessions Trial No.222/2016. However, if it is noticed by the Court that the applicant is indulging in dilatory cause for protracting the trial, it will be open for learned Judge of the Court below to cancel the bail.

The application is disposed of.

JUDGE