

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**939 CRIMINAL APPLICATION NO.2311 OF 2020
IN APEAL/467/2014 WITH APEAL/467/2014**

**SANDIP JAVARILAL KATHED
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

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Mr. S.S. Bora, Advocate for applicant
Mrs. V.S. Choudhary, APP for respondent No.1
Mr. P.S. Shendurnikar, Advocate for respondent No.2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th DECEMBER, 2020.

PER COURT :

1 Heard learned Advocate Mr. S.S. Bora for the applicant. Learned APP waives notice for respondent No.1 and learned Advocate Mr. P.S. Shendurnikar waives notice for respondent No.2.

2 The limited point is that this Court had admitted the appeal, that is filed by the present respondent No.2 on 30.07.2014 and action under Section 390 of the Code of Criminal Procedure was directed to be taken by the Trial Court. The learned Advocate Mr. S.S. Bora would contend that in pursuant to the notice, that was issued, the applicant has furnished bail before Judicial Magistrate First Class. However, the record shows that when the matter was on board on 13.03.2019 it was found that the report in

respect of action under Section 390 of Cr.P.C. was not reported, and therefore, report from J.M.F.C. was called. When the communication by this Court had reached the office of J.M.F.C., then it appears that the learned J.M.F.C. has issued Non Bailable Warrant and by order dated 08.10.2020 after rejecting the application, that was filed by the present applicant, he has been taken in custody. By his application the applicant had narrated that he had furnished bail but the learned J.M.F.C. has not considered those documents.

3 The present applicant has filed copy of the application which he had moved before J.M.F.C. on 27.11.2014, for releasing him on bail, after he was directed to furnish bail in view of Section 390 of Cr.P.C.

4 Be that as it may, the fact at present is that the applicant is in jail and he has expressed his willingness to furnish bail.

5 Under such circumstance, the applicant be released on P.R. of Rs.30,000/- with two sureties for Rs.15,000/- each.

6 Bail before learned Magistrate.

7 Parties to act on authenticated copy of this order.

(Smt. Vibha Kankanwadi, J.)