

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1811 OF 2019

Mangilal Chandarsingh Solanki, Age 28 years,
Occ.Labourer, R/o.Bgramkhargon, Post Lagsare,
Tal.Kukshi, Dist.Dhar, Madhhya Pradesh
(Presently lodged in jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi with Sunil S. Kamble for applicant
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for bail in CR No.70 of 2013 registered with Otur Police Station for offence under Section 395 of Indian Penal Code. The FIR was lodged on 29th August 2013. The applicant was arrested on 2nd September 2013.

2. The prosecution case is that on 28th August 2013 the complainant had locked her house at about 9.30 pm and went to sleep in the neighbour's house. At about 2 am she heard the sound of vehicles and woke up. She noticed from the window that four persons were standing in front of her house. The door of her house was open. They were aged about 20 to 22 years. Three other persons came from the house. She told about the same to the neighbours. All of them started shouting. They were threatened by the accused. They took articles from the house viz ornaments and cash valued at Rs.8,650/-. Subsequently during police patrolling

accused were apprehended. They assaulted police. CR No.71 of 2013 was registered with the same police station for the offences under Sections 143, 144, 147, 307, 323 of IPC.

3. The applicant had preferred application for bail before the Sessions Court which was allowed by order dated 4th February 2014. The charge sheet was filed. The applicant did not attend Trial Court for a long time. Hence, non-bailable warrant was issued against him. The warrant was executed and he was taken in custody. The applicant then preferred application for bail, which was rejected by order dated 16th November 2018.

4. Learned advocate for applicant submitted that the applicant was attending the Trial Court after he was released on bail. However, the case was thereafter transferred to another Court and since then he did not attend the Court. The applicant was thereafter arrested on 24th February 2018 and for a period of one year he is in custody. There is no progress in trial.

5. Learned APP submitted that the applicant was absconding for a long period of time. He is resident of Madhya Pradesh. In the event he is granted bail, he may not be available for trial.

6. As stated above, the applicant was granted bail in 2014. Apparently he was not available for long time and was arrested after a period of four years. However, after his arrest on execution of non-bailable warrant, the applicant has continued to be in custody for a period of about one year. The charge was framed on 27th January 2014. Although the applicant is in custody since 24th October 2018,

there is no progress in trial. Learned counsel for applicant, on instructions, submitted that pursuant to framing of charge, no witness has been examined. It is further submitted that the applicant is willing to furnish local solvent surety.

7. Considering the aforesaid aspects, bail can be granted to the applicant on certain terms and conditions. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1811 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in CR No.70 of 2013 registered with Otur Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more local solvent surety in the in the like amount;
- (iii) The applicant shall report Khed Police Station once in a month on every first Saturday between 11 am and 1 pm till conclusion of trial;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason;
- (v) The applicant shall not tamper with prosecution evidence.

(PRAKASH D. NAIK, J.)

MST