

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1812 OF 2019

Mangilal Chandarsingh Solanki,
Age 28 years, Occ.Labourer, R/o.Gramkhargon,
Post Lagsare, Tal.Kukshi, Dist.Dhar, M.P.
(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. The applicant is seeking bail in CR No.71 of 2013 registered with Otur Police Station for offences under Sections 307, 147, 148, 224, 323, 324, 332, 333, 338, 353 of Indian Penal Code. The FIR was lodged on 29th August 2013.

2. The prosecution case is that on receipt of information that some persons are involved in robbery, the Police party were on patrolling. They noticed some accused in suspicious condition in the car. The police tried to apprehend them. At that time the accused retaliated and assaulted the policemen. However, police overpowered the accused and they were arrested. On completing investigation charge sheet is filed.

3. The applicant preferred application for bail before the Sessions Court. By order dated 4th February 2014 bail was granted to the

applicant. Initially the applicant attended the Trial Court and thereafter for a long time he did not attend the Court. Hence, non-bailable warrant was issued against him. The warrant was executed and applicant was taken into custody on 24th October 2018. He preferred application for bail before the Sessions Court, which was rejected on 23rd May 2019.

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.71 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