

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1092 OF 2020

Anil Sukhdev Singh ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Prabhanjay R. Dave, Advocate for the Applicant.

Mr. Y. M Nakhwa, APP for the Respondent – State.

Mr. A. N. Palande, P. S. I. Dr. D.B. Marg, Police Station, Present.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 12th JANUARY, 2021.

PER COURT:

1. This is an application for bail in C.R. No. 281 of 2008 registered with Dr. D.B. Marg Police Station, Mumbai for offences punishable under Sections 366, 368, 372, 373, 376 r/w Section 34 of Indian Penal Code and Sections 3, 4, 5, 6 & 7 of The Immoral Traffic (Prevention) Act, 1956 (for short “PITA Act”).

2. The applicant was granted bail by the Sessions Court vide order dated 10th December, 2008. Apparently, he was arrested on 8th November, 2008. It is contended that, the applicant had attended trial Court till 2011. However, thereafter he did not attend the trial Court. The contention of the applicant is that he was under

RajeP.
Aher
Digitally
signed by
RajeP. Aher
Date:
2021.01.13
18:24:54
+0530

the belief that the proceedings are concluded. Non bailable warrant was issued against the applicant on 11th May, 2011 and subsequently proclamation was issued. The applicant was allegedly absconding. On 12th March, 2020 he was arrested and produced before the Sessions Court. Since then he is in custody.

3. Learned advocate for the applicant submitted that, under the misconception that the proceedings are over, the applicant did not attend the trial Court. He was at his native place. Since last three years he has occupied the premises at Nalasopara. His children are studying in school at Nalasopara. Documents regarding Identity Card of his children, the municipal tax receipt in respect to the room occupied by the applicant, Electricity Bill and Aadhar Card is placed on record. Learned counsel for the applicant submitted that the applicant is willing to give local surety from Mumbai or Thane.

4. Learned APP submitted that various attempts were made to trace applicant. Pursuant to issuance non bailable warrant, proclamation was issued. There is every likelihood that the applicant would abscond if released on bail. The trial is due for framing of charge. Two other accused are absconding.

5. Learned APP placed on record the report submitted by the Investigating Officer dated 12th January, 2021. It is noted that

the applicant was granted bail by the Sessions Court. Thereafter, he did not attend the trial Court since 2011. However after his re-arrest on 12th March, 2020, he is in custody for a period of about Ten months. The applicant has produced the documents to show that his place of residence at Nalasopara. Considering these circumstances, on certain terms and conditions bail can be granted to the applicant. Hence, I pass following order.

ORDER

- (i) Bail Application No.1092 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 281 of 2008 registered with Dr. D.B. Marg Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish surety from Mumbai or Thane.
- (iv) Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)