

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

BAIL APPLICATION NO.1762 OF 2020

Pawankumar S. Gupta ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Deepak K. Pradhan for the Applicant.

Mr. H.J.Dedhia, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 12th AUGUST, 2021.

P.C. :

Heard.

2 Applicant was cited as absconding accused no.5 in the Sessions Case No.320 of 2015, which arose from Crime No.556 of 2015 registered with M. Phule Chowk Police Station, Kalyan, District: Thane for the offences punishable under Sections 307, 120B read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 25 of the Indian Arms

Act. In all seven accused were tried in the Sessions Case No.320 of 2015; wherein accused no.1 came to be convicted for the offence punishable under Section 307 read with Sections 7 and 27 of the Indian Arms Act and sentenced to suffer imprisonment for life. That since the applicant was absconding accused, vide order dated 4th August, 2018, his trial was separated. Later, applicant was apprehended on 19th June, 2019 and Supplementary charge-sheet has been filed against him.

3 It is contended that trial may not commence in near future and that applicant's presence for the trial can be secured by imposing suitable conditions and, therefore, applicant may be granted bail.

4 Application is opposed by Mr. Dedhia, the learned Additional Public Prosecutor for the State, by pointing out criminal antecedents against him and his absconsion.

5 I have perused the judgment passed in the Sessions Case No.320 of 2015. Wherefrom it appears that the applicant had allegedly supplied fire-arm to the accused no.1. So far as the criminal antecedents are concerned, offences were registered against him in 2013 and 2014 and no crime has been registered in the recent past. In consideration of the role attributed to the applicant, as observed by the learned Sessions Judge and in view of the fact that, applicant is in custody since more than two years, in my view, case is made out for releasing the applicant on bail.

6 Application is granted. Hence, the following order:

ORDER

(i) The applicant in Crime No.556 of 2015 registered with M.Phule Chowk Police Station, Kalyan, Dist; Thane

shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) Applicant shall report to the concerned police station twice a month, i.e., 2nd and 4th Monday of each month commencing from September, 2021 between 11 a.m. to 1 noon till the conclusion of the trial.

7 Application is allowed and disposed of in the aforesaid terms.

8 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)