

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.1036 OF 2021

(Pappu @ Amar Mahadeo Dhoke Vs. State of Maharashtra thr. PSO PS Katol, Dist.
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P. Raulkar, Advocate for Applicant.
Mr. N. R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 8th OCTOBER, 2021.

The learned Sessions Judge, Nagpur was pleased to issue non-bailable warrant, to take the applicant in custody and then reject the bail, after recording a finding that the applicant – accused is habituated to remaining absent.

2. From a legalistic perspective, I do not see any error in the order which is rendered with the intent of ensuring the presence of the accused and that the trial is not delayed. The learned Judge did not commit any error in passing the order, which he did.

3. However, an undertaking is given that the applicant shall not hereinafter remain absent and that even absence on one date may entail cancellation of bail. The ground reality is that a person who is on bail is in a slightly better position to defend himself. I am inclined to give an opportunity to the applicant and to impose stringent conditions.

4. The application is allowed.
5. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.
6. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.
7. The applicant shall attend each date of hearing scrupulously.
8. The applicant shall not leave the country without the permission of the trial Court.
9. It is made clear that if the applicant remains absent even on a single date of hearing, the learned trial Judge shall pass an order of cancellation of bail and take the applicant in custody.

JUDGE