

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 1341/2020
(Nanlal s/o Devram @ Devlal Mali vs. State of Maharashtra :Th.PSO PS
Borgaon-Manju Dist. Akola)

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

Court's or Judge's order

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Mr. C.N. Wankhede, Advocate for the applicant
Ms.Nivedita Mehta, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 22nd February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.PC. seeking regular bail, for offence punishable u/ss. 363, 366, 370, 376 r/ws. 34 of the Indian Penal Code, registered at Police Station Borgaon-Manju, Dist. Akola, in respect of Crime No. 228/2016.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. Learned Advocate for the applicant contended that the applicant was arrested in respect of Crime No.228/2016 registered at Borgaon-Manju, for offence punishable u/s 363, 366, 370, 376(2)(N) r/ws. 34 of the IPC. He submitted that the applicant was released on bail by this Court on 4th June 2018, with a direction that the applicant should attend the Court without fail and on failure to do so, the prosecution was granted liberty to take steps for cancellation of bail. It is submitted that as the applicant remained absent, non-bailable warrant was issued against him by the trial Court and he was arrested on execution of non-bailable warrant.

4. The learned Advocate for the applicant undertakes that henceforth the applicant would remain present on each and every date, before the trial Court.

5. Learned APP opposed the Application contending that the applicant is a resident of Madhya Pradesh and he may not be available for trial on each and every date.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution and considering that the applicant was released on bail on merits and as he could not remain present in the Court on the adjourned dates, non-bailable warrant was issued against him, I am of the opinion that no purpose would be served by keeping the applicant behind the bars. Hence the order :-

ORDER:

The applicant-Nanlal s/o Devram @ Devlal Mali, be released on bail for offence punishable u/ss.u/ss. 363, 366, 370, 376 r/ws. 34 of the Indian Penal Code, registered at Police Station Borgaon-Manju Dist. Akola, in respect of Crime No. 228/2016, on his executing a PR bond in the sum of Rs. 30,000/- (rupees thirty thousand) with one or two solvent sureties in the like amount from Akola District, on the following conditions :-

- (i) He shall attend the Police Station wherever he resides, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till conclusion of trial.
- (ii) He shall attend the trial on each and every date.
- (iii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not

change the same without prior intimation to the Investigating Officer.

(iii) He shall not tamper with the prosecution witnesses in any manner.

(iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.

(v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

Criminal Application stands disposed of.

CRI.APPP: 1493/2020

In view of disposal of main Application, APPP No.1493/2020 does not survive. The same is also disposed of.

JUDGE

sahare