

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.374 OF 2022

Lakhan Dattatray Jamadar

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.M.P. Tripathi Advocate h/f. Mr.K.J. Ghute Patil
Advocate for Applicant.
Mr.A.M. Phule, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 5th MAY, 2022

ORDER :

1. The applicant has been arrested in connection with Crime No.280 of 2014 registered with Omerga Police Station, District-Osmanabad for the offence punishable under Sections 353, 323, 504 of the Indian Penal Code. After the investigation, the charge-sheet has been filed and the case is pending as Sessions Case No.25 of 2019.

2. It appears that the applicant was released on bail earlier, however, he remained absent and therefore, non bailable warrant came to be issued against him. As per the order passed by the learned Additional Sessions Judge, it appears that though after the committal of the case the applicant was not appearing, yet he filed application Exhibit-4 seeking time for furnishing P.R. Bond and surety. Exemption application Exhibit-5 filed by the applicant was allowed and application Exhibit-6 for time to furnish surety was also allowed. Again exemption was granted to the applicant on 30th November 2019 and time to furnish surety was given till 30th February 2020. However, the applicant and his Advocate were absent on 16th March 2020 and therefore, non bailable warrant came to be issued against the applicant. It is then stated that thereafter the applicant is continuously absent in the case. The applicant was brought before the Court on 3rd December 2021 and since then he is in custody.

3. No doubt it appears that there are too many lapses on the part of the applicant, yet the fact remains is that the lock-down was declared after 22nd March 2020 and just prior to that i.e. on 16th March 2020 non bailable warrant was issued against the applicant – accused. Lock-down was for a long period and again there were restrictions for the travel. There were standard

operating procedures those were operating. Therefore, taking into consideration all these aspects and now since 3rd December 2021 the applicant is behind bars, as well as the fact that offence that is alleged to have been committed by the applicant is under Sections 353, 323, 504 of the Indian Penal Code, he deserves to be released on bail. However, conditions are now required to be imposed.

4. Learned Advocate for the applicant submits that the applicant had gone to Pune in connection with labour work and it was not possible for him to come to Omerga Court. Learned Advocate for the applicant fairly submits that it appears that the present applicant had not informed the Court that he would be shifted either permanently or temporarily, to Pune. In order to avoid such incident, the condition is required to be imposed, so also for the acts done cost is required to be imposed on the applicant. Hence following order:-

ORDER

- i) The Application stands allowed.
- ii) Applicant – Lakhan Dattatray Jamadar who has been arrested in connection with Crime No.280 of 2014 registered

with Omerga Police Station, District-Osmanabad for the offence punishable under Sections 353, 323, 504 of the Indian Penal Code, be released on bail on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.

iii) Applicant shall not leave the jurisdiction of Omerga Court till the conclusion of the trial and if at all he want to go anywhere, he should inform it to the concerned Court prior in time.

iv) Applicant should remain present before the concerned Court as and when the dates are given.

iv) Applicant to deposit an amount of Rs.5,000/- before the learned Additional Sessions Judge, Omerga on or before 17th May 2022.

vi) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI , J.]