

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

CRIMINAL APPLICATION (BA) NO. 889 OF 2022

Amol Ganesh Gedam **Versus** State of Maharashtra, through PSO PS Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Jaltare, counsel for the applicant.

Shri V.A.Thakre, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/08/2022

1. The applicant is seeking bail in connection with Crime No. 289 of 2015, registered with Police Station, Wardha City, Tah. & Dist. Wardha, for the offences punishable under Sections 399, 402 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submits that, the applicant was released on bail in the present offence vide order dated 30/07/2019. Thereafter, the matter was fixed on 09/06/2022, when the applicant filed an application for seeking exemption for personal appearance before this Court. The said application was rejected vide order 09/06/2022 and the trial Court issued non-bailable warrant against the applicant. The applicant appeared before the Court on 16/06/2022 and filed an application for cancellation of non-bailable warrant. The applicant also filed medical certificate on record. The said application was rejected and the applicant was taken into judicial custody.

3. It is submitted that, the applicant was suffering from Gastro and was already getting treatment wherein the doctor was suggested him to take rest, therefore, he could not remain present in the Court. It is now submitted that, one chance should be given to the applicant, as he has learnt lesson out of his mistake.

4. It is further submitted that, during the pendency of the present application, the applicant filed an undertaking before this Court on 13/08/2022 and submitted that he will attend each and every date before the Hon'ble Session Court, Wardha without fail. Accordingly, he prays for grant of bail in this matter.

5. On the other hand, learned APP strongly opposed the present application.

6. Thus, considering the fact that, the applicant was already release on bail and subsequently he was taken into custody as he was absent and did not file medical certificate on record on the said date. In the above referred backdrop and considering the submissions of the applicant, I am of the opinion that, the applicant is entitled to get one chance to act responsibly and show his bonafides. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 289 of 2015, registered with Police Station, Wardha City, Tah. & Dist. Wardha, for the

offences punishable under Sections 399, 402 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the trial on every date, except some exemption is granted.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]