

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

CRIMINAL APPLICATION (BA) NO. 1000 OF 2022

Suraj s/o Arvind Thakare **Vs.** State of Maharashtra, through PSO., PS Korpana, Tah. Korpana, Dist. Chandrapur.

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

Court's or Judge's Order

Shri R.R. Vyas, Advocate a/w Shri A.D.Deshmukh, Advocate for the applicant.

Shri S.M. Ghodeswar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 15/09/2022

Heard.

2. The applicant is seeking bail in connection with Crime No. 13 of 2009, registered with Police Station Korpana, Tq. Korpana, District Chandrapur, for the offences punishable under Sections 395, 452, 324, 143, 147, 148, 149, 506 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act.

3. In this case, from the judgment and order dated 02/05/2018 passed in Sessions Case No.115/2011 in connection with Crime No. 13/2009, in which the applicant is the accused No.1, all other accused persons i.e. accused Nos.2 to 21 have been acquitted by the Additional Sessions Judge-3/Special Judge, Chandrapur. The trial against the applicant could not be conducted as after the applicant was released on bail, he was absconding till the

date he was arrested on 02/08/2022 and therefore, the present application for grant of bail.

4. There are criminal antecedents against the applicant.

5. Thus, the fact of antecedents and the fact that he was absconding for almost twelve years, go against the applicant while considering the present application.

6. However, the fact that all other accused persons i.e. accused Nos. 2 to 21 have already been acquitted in the same offence cannot be ignored.

7. In view of the acquittal of other accused persons, there is less possibility that the applicant being convicted in the said offence with the same evidence. In the circumstances, though the factors namely the applicant was absconding and there are antecedents go against the applicant, however, the point of acquittal entitled of all other accused persons in the same offence, entitles him for grant of bail with certain stringent conditions. Accordingly, I pass the following order.

- a) The criminal application is **allowed**.
- b) It is directed that the applicant in connection with Crime No. 13 of 2009, registered with Police Station Korpana, Tq. Korpana, District Chandrapur, for the offences punishable under Sections 395, 452, 324, 143, 147, 148, 149, 506 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, the applicant shall

be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on every Monday and Thursday between 09.00 a.m. to 10.00 a.m., till the culmination of the trial.
- d) The State is at liberty to apply for cancellation of bail, in case of breach of any condition or the applicant commits any serious offence.
- e) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]