

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

BAIL APPLICATION NO.1007 OF 2023

BALU CHAKKU CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rupesh Anil Jaiswal
APP for Respondent: Mr. Y. G. Gujarathi

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CORAM : S. G. MEHARE, J.

DATE : 27.06.2023

PER COURT :

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondents/State.

2. The applicant is seeking bail in Crime No.59/2018 registered with Police Station Chopda, District Aurangabad for the offences punishable under Sections 302, 394 read with Section 34 of the Indian Penal Code.

3. The applicant was granted bail by the order dated 16.10.2018. However, he did not attend the Court, therefore, non bailable warrant was issued against him. The warrant was executed and he was produced before the learned Judicial Magistrate First Class, Aurangabad. Thereafter the applicant sought bail on the ground that

he was suffering from Tuberculosis (TB); hence he could not attend the Court. However, police has a say that the applicant frequently used to change his residence, therefore, he may flee away from the justice.

4. The learned Additional Sessions Judge Aurangabad declined the reason for his absence and rejected the bail.

5. Considering the reasons for his absence a lenient view has to be taken. As far as habit of the applicant to keep changing his residence he may be directed to report the police. Hence, the following order :-

- (i) The application is allowed.
- (ii) Applicant Balu Chakku Chavan be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on every date.
 - (c) He shall report to the Police Station Pachod on every second and fourth Saturday of each month between 10 a.m. to 1.00 p.m. for three months from the date of his release and shall

furnish his cell number with an undertaking that he shall not change the said phone number till conclusion of the trial.

- (d) In addition to his cell number he shall provide cell number of his wife son and daughter to the police with an undertaking that they shall not change their cell number till conclusion of the trial.

(S. G. MEHARE)
JUDGE

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