

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

BAIL APPLICATION NO. 1738 OF 2023

1. Amol Giriraj Bhosale
Age: 35 years, Occu: Agriculture,
R/o: Ghotvi, Tq. Shrigonda,
Dist. Ahmednagar

... Applicant

Versus

1. State of Maharashtra
Through Kotwal Police Station
Tal. & Dist. Ahmednagar

... Respondents

...

Mr. A. M. Gaikwad, Advocate for the Applicant
Mr. K. S. Patil, APP for Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16.10.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.341/2017 dated 25/07/2017 registered with Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 363, 342, 376, 365, 323, 504 and 506 r/w Section 34 of the Indian Penal Code [for short 'IPC'].

3. Mr. Gaikwad, learned Advocate appearing for the applicant submits that the learned Sessions Court was pleased to enlarge the applicant on bail vide order dated 20/11/2019 passed in Criminal Misc. Application No.1825/2019. He would submit that thereafter, charge-sheet was filed. By order dated 29/09/2022, the case has been committed to the Sessions Court. The order records presence of the applicant at time of committal. He would further submit that unfortunately, no Advocate was engaged on behalf of the applicant before the Sessions Court which has resulted into issuance of 'NBW'. When the applicant got the knowledge about that, he approached the Sessions Court seeking cancellation of 'NBW'. However, he is taken into the custody and his prayer for grant of bail has been rejected. Mr. Gaikwad, learned Advocate would further submit that absence of the applicant was unintentional and he is ready to abide by any stringent conditions and also would attend each and every effective date before the Sessions Court without default.
4. Learned APP strongly opposes the prayer. He would submit that the applicant was consistently absent and matter is posted for charge since 03/12/2022. Ultimately, on 14/06/2023, a non-bailable warrant was issued and actually,

the applicant appeared before the Court on 28/08/2023, which shows that he was intentionally avoiding to appear before the Court.

5. Having considered the submissions advanced, it can be seen that, the applicant was enlarged on bail after considering the merits of the case, nature of allegations and evidence against him. It is also apparent that, when the matter was committed to Sessions Court, the applicant was present. However, thereafter, he was absent. The learned Sessions Judge refused to grant bail to the applicant for the reason that, the matter is of the year 2017 and because of absence of the applicant that has been prolonged. Pertinently, the case itself is committed on 29/09/2022. The applicant was supposed to remain present before the Sessions Court on 01/11/2022. However, he has defaulted. It is submitted that, the Advocate could not be engaged by the applicant and therefore there was default. The fact remains that, the applicant suo-moto appeared before the Sessions Court seeking cancellation of 'NBW'. In that view of the matter, it would be just and proper to enlarge the applicant on bail subject to certain conditions. Hence, following order:

ORDER

- (I) Bail Application is allowed.

(ii) The applicant, namely, Amol Giriraj Bhosale be, released on bail in connection with Crime No.341/2017 dated 25/07/2017 registered with Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 363, 342, 376, 365, 323, 504 and 506 r/w Section 34 of the Indian Penal Code [for short 'IPC'] on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:

- (a)** The applicant shall attend each and every date before the Sessions Court without any default.
- (b)** He shall furnish details of his address along with contact number with the concerned Police Station and attend the Police Station fortnightly on 15th of every month and update his address or contact number, if necessary.
- (c)** Any default in observing the aforesaid conditions, shall entail cancellation of bail.

(iii) Bail Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**

Sameer