

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1992 OF 2023**

PATHAN SULTANKHAN YUSUFKHAN
VERSUS
THE STATE OF MAHARASHTRA

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Mr. C. C. Deshpande, Advocate for the Applicant.

Mr. K. S. Patil, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.104/2020 registered with Mohadi Nagar Police Station, Dist. Dhule for the offences punishable under Sections 395, 397, 504, 506 of the Indian Penal Code.

2. Mr. Deshpande, learned Advocate appearing for the applicant would submit that the applicant was arrested in pursuance of the aforesaid crime. He was remanded to the police custody and then in Magisterial custody. Thereafter, he was released on bail vide Sessions Court's order 25.05.2021. The applicant regularly attended the Trial Court and complied conditions of bail as directed by the Sessions Court. Meanwhile, the statement of the prosecution witnesses have been recorded. When the matter was at the stage of recording statement under Section 313 of the Criminal Procedure Code, the applicant could not attend the hearing dated 31.07.2023. Therefore, bailable warrant was issued. Thereafter, the applicant was re-arrested and produced before the Court on 30.09.2023. The applicant thereafter moved an application below Exhibit-202 in Sessions Case No.31/2021 seeking grant of bail, however, the learned Sessions Court pleased to reject the prayer of the applicant on the

ground that possibility of absconding of the applicant/accused cannot be ruled out and matter is likely to be prolonged for that reason. Mr. Deshpande would submit that because of communication gap between the applicant and his Advocate, he was absent on the date of hearing. The applicant has regularly attended the Trial Court and ready to attend each and every date till disposal of the Trial.

3. The learned APP opposes the prayer on the ground that the matter is at fag end and because of absence of the applicant it is likely to be prolonged.

4. Having considered submissions advanced, apparently applicant was released on bail. He was on bail during the course of trial. Entire evidence of the prosecution has been recorded. Now matter is posted for recording statement under Section 313 of the Criminal Procedure Code. There is possibility that because of communication gap between the applicant and his Advocate, the applicant has missed to attend the hearing cannot be ruled out. In that view of the matter, the indulgence is required and applicant deserves to be given one more opportunity by granting bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Pathan Sultankhan Yusufkhan, be released on bail in Crime No.104/2020 (culminated into Sessions Case No.31/2021) registered with Mohadi Nagar Police Station, Dist. Dhule for the offences punishable under Sections 395, 397, 504, 506 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every date of hearing before the Sessions Court without seeking any exemption till conclusion of the trial.
 - c. The applicant shall furnish his present residential address alongwith proof and contact numbers with the Investigating Officer and continue update the same as directed by him.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE