

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 297 OF 2023

Dattatray Mohan Wakale ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sarvajit Patil for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 4 MAY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. I have heard the learned Counsel for the applicant and the learned APP for the State.

3. The applicant is accused No.2 in Sessions Case No.39 of 2017 pending on the file of Additional Sessions Judge, Islampur. The applicant was on bail. It appears that on 7 October 2022, the witnesses were present, however, due to non-appearance of the present applicant and one more accused the trial Court was constrained to issue non-bailable warrant against the present applicant. The applicant came to be arrested pursuant to said warrant.

4. The trial Court by order dated 12 December 2022 rejected the application filed by the applicant for bail.

5. The learned Counsel for the applicant submits that the non-appearance of the applicant before the trial Court was not deliberate, but it was due to certain medical issues. It is submitted that the applicant is in jail for more than four months. The learned Counsel for the applicant submits that there are no other criminal antecedents.

6. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Dattatray Mohan Wakale be released on bail in Crime No. 13 of 2017 registered at Kasegaon Police Station, for the offences punishable under Sections 395, 341 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)