



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.105/2023

GORAKHNATH EKNATH WAGHE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. A. H. Fatangare for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 6, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with 4 read with 25 of the Arms Act registered on 12/9/2016 vide C.R. No.I-168/2016 with Bazarpeth Police Station, Kalyan.

3. Learned APP while opposing the application invited my attention to the observations of the trial Court while rejecting the application. The applicant was enlarged on bail by an order dated 22/10/2018 passed by this court. The

applicant though initially was attending the trial and abiding by the conditions imposed, but later did not attend the trial on three occasions as according to learned counsel for the applicant, during Covid-19 times the applicant was under the impression that the proceedings before the trial Court are not likely to go on. The applicant was arrested pursuant to the issuance of the non-bailable warrant from his home. It is not that the applicant had absconded but there is failure to attend the trial on the part of the applicant.

4. In my opinion, the facts are not such that the consequences should be so drastic that the applicant cannot again be enlarged on bail.

5. The applicant was initially arrested on 14/9/2016 and enlarged on bail by this Court on 22/10/2018. Thereafter, he was arrested on 9/11/2021 and is in custody almost for a period of one year and ten months after securing bail. The trial has commenced and the charge has been framed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant – Gorakhnath Eknath Waghe, is directed to be released on bail in connection with C.R.No.I-168 of 2016, registered with Bajarpeth Police Station, Kalyan, District- Thane, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend Bajarpeth Police Station, Kalyan, District-Thane, once in a month on first Saturday between 10:00 a.m. to 12:00 noon, till the conclusion of trial.

(e) The applicant shall attend the trial Court during the date of hearing of the case regularly, unless exempted by the Court for some reasons.

(f) The applicant shall not indulge in any act of tampering the evidence.

(g) The applicant shall co-operate with the trial. Any further default on the part of the applicant will be viewed very seriously including inviting the consequence of cancellation of bail already granted.

6. The application is disposed of.

(M. S. KARNIK, J.)