

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.684 OF 2023
IN
APPEAL NO.326 OF 2019

Brijlal Rudraprasad Tiwari	]	..	Applicant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Ketan Dhavle for the Applicant.

Mr.Y.M. Nakhawa, APP for State-Respondent No.1.

Ms.Manisha Devkar, appointed Advocate for Respondent No.2.

CORAM : BHARATI DANGRE, J

DATE : 29th March, 2023.

P.C.

1] By the present Application, the applicant is seeking his release on bail, pursuant to his arrest on 04.07.2022, as the NBW order was issued against him on 08.06.2022.

2] The Applicant, on earlier occasion was enlarged on bail and the substantive sentences imposed against him vide the impugned Judgment and order dated 05.04.2019 came to be suspended. It is pertinent to note that Criminal Appeal No.326/2019 filed by him, is pending before this Court.

3] On 05.04.2019, upon recording lacuna in the case of prosecution and by taking note of the fact that the sentences imposed upon the Applicant is for a short term, he was released on bail. He continue to enjoy the said protection while the Appeal was pending.

But on 08.02.2022, this court noted that the Appeal was listed for hearing on two dates, when the counsel for the appellant remained absent; even spare copies of the Appeal were not supplied in the Registry. In such circumstances, the Court deemed it fit to issueailable warrant against the applicant, making it returnable on 07.03.2022.

Since there was no compliance, ultimately in the month of June, 2022, Nonailable Warrant was issued and this is how, the Applicant was once again put behind bars and he seek his release.

4] Since on merits, the applicant was directed to be released on bail by order dated 05.04.2019 and even the sentence was suspended, I deem it appropriate to release the Applicant on bail, subject to furnishing fresh PR Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

The Applicant shall furnish his contact number as well as residential address to the Investigating Officer and shall ensure that whenever the Appeal is listed before this Court, he shall remain present.

[BHARATI DANGRE, J]