

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

BAIL APPLICATION NO. 1152 OF 2023

Rahul Radhacharan Karotiya ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Ganesh Bhujbal i/b. Mr.B.D.Shinde – Advocate for Applicant.
Mr.H.J.Dedhia – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 27TH JUNE 2023

P. C. :

1. While on bail, the Applicant has not attended the trial and that is why, non bailable warrant was issued. On his own, he has attended the Court of Additional Sessions Judge with the prayer for cancellation. It was rejected and he was taken into custody. His Application for regular bail is rejected.

2. The title clause of the Applicant mentions his address at Ulhas Nagar. Whereas, in the Application for cancellation of NBW, he himself has pleaded that he is shifted to Uttar Pradesh.

3. Learned APP submitted that the offence is serious and the trial is delayed due to absence of the present Applicant and even charge

Satish Sangar

could not be framed. He is Accused No.1 as per the charge-sheet and there is an allegation that the First-Informant was ravished. It is true that earlier, this Applicant was granted bail, so merits is also considered. So, the question is whether the Applicant is to be penalized for his absence and whether his presence can be secured at the time of trial.

4. He is arrested on 30th January, 2023 when the Court has taken him to custody while rejecting the Application for cancellation of non bailable warrant. So, he has remained behind bar from 5th January, 2023. So, subject to strict conditions, he can be granted bail. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Rahul Radhacharan Karotiya be released on bail in connection with C.R. No. 32 of 2008 registered with Shivaji Nagar Police Station - Thane for the offences punishable under Sections 363, 366(A), 376, 306, 504 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.50,000/- with one or more surety of Rs.25,000/- each.
- (iii) Applicant is directed to furnish his correct address at Uttar Pradesh along with the documents to show in what capacity, he is residing on that address, that is to say, whether as an owner, tenant or family

member.

- (iv) The trial Court to ensure that these documents are furnished prior to accepting his surety.
 - (v) Applicant is directed to attend the trial Court, punctually.
5. Application is disposed of in the aforesaid terms.
6. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]