

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1334 OF 2023**

Balbir Singh Ratan Singh Matharoo ...Applicant

vs.

State of Maharashtra ...Respondent

Mr. Tejas Dande with Ms. Grishma Lad with Mr. Bharat Gadhavi for
the Applicant.

Mr. S. R. Agarkar APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 12TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for
the Respondent-State.

2. Sessions Case No.105 of 2010 is pending before the Court of
Additional Sessions Judge, Kalyan. The certified copies of roznama
are annexed. Even the charge is framed on 22nd November 2017.
The Applicant is sole accused. Further, roznama shows that the
summons are issued to the witnesses. However, due to lock down

there was no progress. After lifting of the lock down, the roznama mentions that from 20th October 2021, onwards the Applicant was absent and hence the non-bailable warrant was issued on 20th February 2023.

3. The address given in the charge-sheet is old address and now the Applicant has changed his address. The warrant could not be executed. The Applicant appeared before the trial Court on his own prior to execution of non bailable warrant. However, he was taken into custody and his Bail Application came to be rejected on 16th May 2023.

4. The Court of Additional Sessions Judge, Kalyan in para 6 and para 7 has considered the observations in case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and Others***¹ and the factual aspects. It is true that the Hon'ble Supreme Court has categorised the offences depending upon Sections and Special Acts. It is also true that what should be approach of the Court when the warrants are issued finds place on page 25, para 56. They are reproduction

1 MANU/SC/0851/2022

from the earlier judgment.

5. It is true that ultimately the Court has to balance in between the liberty of individual on one hand and speedy trial of the case on the other hand. I think the Applicant deserves to be released on bail.

It is for the reason that he has appeared on his own before the Sessions Court for cancellation of non bailable warrant. He was already of bail and it was granted on merits. Record show that earlier bailable warrant was not issued earlier. It will be too harsh to keep him behind bar till completion of the trial. He undertakes that he will attend the Sessions Court for smooth conduct of the trial. Hence, the following order is passed :

O R D E R

- (a) The Applicant-Balbir Singh Ratan Singh Matharoo be released on bail in connection with C.R. No.I-264 of 2009, registered with Central police station, Ulhasnagar for the offences punishable under sections 307, 324 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses

or allure them in any manner.

- (c) The Applicant shall attend the trial Court punctually.
 - (d) The Applicant to furnish his correct address before the trial Court.
 - (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.
- 6. Application is disposed of accordingly.
 - 7. These are my prima facie observations and the trial Court may not be influenced by that.
 - 8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]