



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

BAIL APPLICATION NO.2074 OF 2023

BHIMRAO CHOKLA CHAVAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ammar Nizami for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 16, 2023

P.C. :

1. Mentioned out of turn.
2. Heard learned counsel for the applicant and learned APP for the State.
3. This is an application for bail in respect of the offence punishable under Sections 395 of the Indian Penal Code read with Sections 4 and 25 of Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act registered on 04/06/2010 vide C.R. No.I-164 of 2010 with Manpada Police Station, Thane.
4. Learned APP opposed the application.

5. The applicant was arrested as far back in the year 2010 for the offence punishable under the aforesaid Sections. The applicant was enlarged on bail. The applicant, however, remained absent and did not attend the trial Court for a long time. Hence, a non-bailable warrant was issued. The applicant appeared before the trial Court on 27/02/2023 for cancellation of the non-bailable warrant. The trial Court ordered that no fresh surety was furnished, hence the application was rejected and took the accused in JCR.

6. By the order dated 17/03/2023, the application for bail was rejected by the trial Court for the reasons mentioned therein. Learned APP submitted that for the cogent reasons mentioned by the trial Court in the impugned order, as the applicant has failed to attend the trial Court for a long time, it is not a fit case where the applicant should be enlarged on bail. It is further pointed out that a proclamation has been issued against the co-accused, therefore, there is every possibility that the applicant may jump the bail.

7. The applicant was arrested on 27/02/2023. The applicant has been in custody almost for 7 months. The applicant was previously released on bail. Learned counsel for the applicant, on instructions, assures this Court that the applicant shall attend the trial regularly. Learned counsel for the applicant urged that it is the applicant who presented himself before the Court on 27/02/2023 for cancellation of NBW. However, the fresh surety was not furnished for which the applicant was taken into custody.

8. In my opinion, the applicant can be enlarged on bail for the reasons mentioned in the application by imposing stringent conditions. Learned counsel for the applicant, on instructions, submits that the applicant henceforth, on every date, will remain present before the trial Court and shall co-operate with the trial Court. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Bhimrao Chokla Chavan in connection with C.R. No.I-164 of 2010 registered with Manpada Police Station shall be released on bail on his furnishing P.R. Bond

of Rs.50,000/- with one or more solvent sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Manpada police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

9. The application is disposed of.

(M. S. KARNIK, J.)