



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

996 BAIL APPLICATION NO. 253 OF 2024

Shaikh Najim Shaikh Samad

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Kachru A. Ingle

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 1st MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 0047 of 2013 registered with Bidkin police station, District Aurangabad for the offences punishable under Sections 399, 402 of the I.P.C. and under Section 4/25 of the Arms Act.

2. Earlier the bail was granted to the applicant. However, he jumped the bail and did not attend the court. Therefore, N.B.W. was issued against him. The application moved by the applicant before the trial court at Exh.18 in Sessions Case No. 26 of 2023. The trial court rejected the said application by holding that the applicant remained absent for years together for conducting the trial.

3. Learned advocate for the applicant submitted that the applicant is poor and bread winner for his family. He is arrested on 23.8.2023.

Considering the facts and circumstances of the case, it is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that for the crime committed in the year 2013, the applicant remained absent for years together which discloses from the order passed by the Sessions court. Due to the absence of the applicant, the trial is prolonging for many years. He therefore, prayed for rejection of the application.

5. The applicant is prosecuted for the offences under Sections 399 and 402 of I.P.C. The applicant has roots in the society. Considering the conduct of the applicant of jumping bail, it would be proper to allow the application by imposing some stringent condition. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0047 of 2013 registered with Bidkin police station, District Aurangabad for the offences punishable under Sections 399, 402 of the I.P.C. and under Section 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall remain present for trial on all the dates fixed before the trial court in the case.
- b) The applicant shall deposit Rs.10,000/- in the trial court which shall be repaid to him at the end of the trial with interest, if any. The trial court is directed to fix the said amount in any Nationalized Bank.
- c) If the applicant remains absent for trial, the trial court may cancel the bail by issuing nonailable warrant against him without reference to this Court.
- d) The trial court shall conclude the trial as expeditiously as possible.

(SANJAY A. DESHMUKH, J.)

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