

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

BAIL APPLICATION NO. 2480 OF 2024

Ashok Jagdish Yadav	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Siddharth Jaiswal for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
PSI - J. More, Andheri Police Station, Mumbai.

**CORAM: MANISH PITALE, J.
DATE : 22nd JULY 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant is before this Court seeking bail as he was arrested on 18th March 2024 in pursuance of non-bailable warrants that were required to be issued as the applicant failed to abide by the conditions imposed upon him while being granted bail by order dated 7th November 2019 in connection with FIR No. 561 of 2019 registered with Andheri Police Station, Mumbai, for offences under Section 370(1) read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3, 4, 5 and 7 of the Prevention of Immoral Trafficking Act, 1956 (PITA).

3. The learned counsel for the applicant submits that the

applicant was granted bail in the year 2019 on merits. Initially, he did attend proceedings before the Court of the Magistrate, but subsequently, due to covid outbreak, he had to leave Mumbai and go to his native place in the State of Jharkhand. It is submitted that there is indeed default on the part of the applicant in returning back and appearing before the Court of Magistrate. This led to issuance of the non-bailable warrant and eventually, arrest of the applicant on 18th March 2024. It is submitted that the applicant has now remained behind bars for more than four months and this Court may consider releasing the applicant on bail. The applicant undertakes to abide by conditions that this Court may impose.

4. On the other hand, the learned APP submits that due to the fact that the applicant fled away and did not abide by the conditions imposed upon him when bail was granted, even committal of the case before the Sessions Court was delayed and this fact was specifically noted by the Sessions Court while rejecting the bail application of the applicant on 29th May 2024. It was submitted that this Court may take note of the fact that the applicant is not a local resident and there is every possibility of the applicant again fleeing and delaying the proceedings before the trial Court.

5. This Court is of the opinion that since the applicant was initially granted bail on merits and he has been subsequently arrested due to the fact that he remained absent before the concerned Court, coupled with the fact that the applicant has now

remained incarcerated for more than four months, bail can be granted, subject to imposing stringent conditions, so as to ensure that the trial Court proceedings are not delayed by the applicant.

6. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with No. 561 of 2019 registered with Andheri Police Station, Mumbai, on furnishing P.R. Bond of ₹25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall report to the Andheri Police Station, Mumbai, on second and fourth Monday of each month between 10:00 a.m. and 12:00 noon, during the pendency of the trial. The applicant shall cooperate with the investigation and shall attend the trial Court on each and every date, unless specifically exempted by the trial Court, for reasons to be recorded in writing.
- (c) The applicant shall not leave the jurisdiction of the trial Court, during the pendency of the trial.
- (d) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

- (e) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application is disposed of.

MANISH PITALE, J.