

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2877 OF 2024

Umesh Baban Udawant ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Pratik Kalantri, Advocate for Applicant

Mr Shreeram S. Chaudhari, APP for the State.

API Chandrakant Sapkale, Bhadrakali PS, Nashik City

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 18, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.497 of 2020, registered with Bhadrakali Police Station, District: Nashik for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code, 1860.
3. The applicant is in jail from last 2 years and the learned APP has strongly opposed the application on the ground that when the applicant was released on bail during the pandemic, he did not surrender and thereafter he was arrested. It is argued that there

is every possibility that if the applicant is released on bail he may not be available for trial.

4. In reply, the learned counsel for the applicant submits that the maximum punishment is three years, whereas the applicant has undergone two years of incarceration. He, therefore, submits that the applicant is in jail for a substantive period. Furthermore, he submits that any stringent condition which will ensure that the applicant would attend the trial may be imposed.

5. Considering the fact that all other accused persons are released on bail and furthermore considering the nature of the allegations and the evidence available on record, I am of the opinion that one opportunity must be given to the applicant.

6. Accordingly, I pass the following order:

- i) The Criminal Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.497 of 2020, registered with Bhadrakali Police Station, District: Nashik for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall attend the concerned Police Station on every Saturday between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the trial.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)