

MHTH060035762022



ORDER BELOW EXH. 1 IN
CRIMINAL BAIL APPLN. NO. 1941/2022 (REGULAR)

It is an application under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') for release of applicant viz. **Premal Shantilal Bhimjiyani** on bail who is in jail in connection with S.C.C. No. 1343/2016 pending on the file of Ld. 5th Jt. Addl. C.J.M. Kalyan.

2] It is contended by the applicant that he had filed complaint under Section 420 of IPC. In order to settle the matter, respondent No. 1 has filed case under Section 138 of the Negotiable Instruments Act which is pending on the file of Ld. Addl. C.J.M. Kalyan. It is contended that due to absence of applicant, non bailable warrant has been issued. It has been executed on 07/10/2022. He is produced before the Ld. Addl. C.J.M. Kalyan. He was remanded in MCR. Application filed by the applicant for release him on bail came to be rejected due to absency of applicant on earlier dates.

3] It is contended by the applicant that he is ready to furnish surety to the satisfaction of this Court. It is further contended that there is no point in keeping applicant behind the bar. If applicant is released on bail, he will co-operate the

investigation. It is therefore prayed that applicant may please be released on bail.

4] As per order dated 11/10/2022, directions have been given to serve notice of this application on respondent No.1. Applicant has produced affidavit at Exh.4 and contended that notice has been served to respondent No.1 through whatsapp. The photo copy of whatsapp is filed on record. On perusal of the same it appears that respondent No.1 served through whatsapp yesterday and he was informed to remain present at 2.45 p.m. But respondent No. 1 despite service of notice remained absent.

5] Heard the learned advocate of applicant. Perused the order passed by the Ld. Addl. C.J.M. Kalyan. It seems that due to absence of applicant, non bailable warrant was issued and same is executed on 07/10/2022. It is contended that due to spread of Covid-19, applicant could not remain present. Now, applicant undertakes to remain present on future dates without fail. Taking into consideration the submission of the learned advocate of applicant and applicant is ready to furnish surety to the satisfaction of the Court, following order is passed.

: ORDER :

- 1] Application is allowed.
- 2] Applicant viz. **Premal Shantilal Bhimjiyani** be released on bail in connection with S.C.C. No.

1343/2016 filed under Section 138 of the Negotiable Instruments Act pending on the file of Ld. 5th Jt. Addl. C.J.M. Kalyan on his furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two solvent sureties of like amount, on the following condition that :-

- i] Applicant shall attend the future dates without fail and see that the matter is not adjourned because of his or his advocate's absence.
- 3] Bail before the Ld. Addl. C.J.M. Court, Kalyan.

Sd/-

(S.B.Kachare)

Date : 12/10/2022.

Addl. Sessions Judge, Kalyan