

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14283 OF 2015
IN
WRIT PETITION NO. 5476 OF 2013

NILKANTH SAKHARAM CHAURE AND OTHERS
VERSUS
PAWAR SUNIL ANNASAHEB AND OTHERS

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Advocate for Applicants : Shri Godbole R.J.
Advocate for Respondent 1 : Shri Kakade Amol N .
AGP for Respondents 3 & 4 : Shri Lokhande K.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 27, 2015
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PER COURT :-

1. The applicant No.1 has been brought before this Court, pursuant to the non-bailable warrant issued by this Court on 7.9.2015. Applicant No.2 has appeared personally before this Court, prior to the non-bailable warrant being executed against her.
2. A further affidavit is filed by both the applicants, dated 27.10.2015 and both of which are taken on record and marked as Exhibit "X" and "Y" respectively for identification.
3. Shri Kakade, learned Advocate for the employee is satisfied with the statement made in the affidavits Exhibits "X" and "Y" by which an amount of Rs.1,00,000/- would be delivered to his client on 29.10.2015. He submits that the same is towards part of the arrears of salary to be paid to him.

4. The learned AGP has placed on record a compilation of eleven pages, which is marked as Exhibit "Z" for identification.

5. I find from the report dated 27.10.2015 under Exhibit "Z", filed by Shri Vishwanath Bhaginath Golhar, Police Head Constable 2080, Sonai Police Station that though he has placed the first applicant under arrest in the light of the non-bailable warrant issued, he has stated that he intimated the second applicant Smt. Kamal Nilkanth Chaure. Since she did not appear, the warrant could not be executed upon her.

6. I find this excuse to be unconscionable. It does not appear that the said Police Head Constable has done his duty in executing the warrant upon Smt. Kamal Nilkanth Chaure. Learned AGP has conveyed the apology tendered by the said Police Head Constable, who is present in the Court today.

7. In the light of the same, his apology is accepted. However, if there is a repetition of a similar act, the Superintendent of Police, Ahmednagar shall take necessary steps to enter appropriate adverse remarks in the confidential reports of the said Head Constable. Learned AGP shall take steps to ensure that a copy of this order is placed before the Superintendent of Police, Ahmednagar, expeditiously.

8. In the light of the affidavits - Exhibits "X" and "Y" filed by both the

applicants, the same is accepted. The first applicant - Nilkanth Sakharam Chaure shall be released on bail only after executing a P.R. bond of Rs.10,000/- and a surety of the like amount before the Sonai Police Station. The applicant No.1 shall remain present in this Court on 29.11.2015. The second applicant - Smt. Kamal Nilkanth Chaure is exempted from appearing in the Court until further orders.

9. The Civil Application filed by the applicants is allowed in terms of prayer clause (B) in the light of the order as above.

10. Registry to make available authenticated copy of this order to the requesting parties on payment of necessary charges and as per Rules.

(RAVINDRA V. GHUGE, J.)

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akl/d