

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.569/2004

Sonu @ Khushal @ Tushar s/o Ashok Paswan

..VS..

State of Mah., thr. PSO PS Gittikhadan, Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri N.R. Tekade, Counsel for the appellant.

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 16, 2018.

1. Not on Board. Taken on Board.
2. The present appeal is admitted by this Court on 14.9.2004 and on the said day the appellant was released on bail.
3. The record shows that though the Paper-Book was ready, the said was not collected by learned counsel who was appearing on behalf of the appellant. It was reported to this Court that earlier Advocate Shri Mohd. Areef used to appear on behalf of the appellant who expired about two years back and, therefore, when the matter was called on 27.2.2018, Advocate Shri A.K. Sorde h/f learned counsel Shri S.Gadling sought one week's time to take

instructions from the appellant. The matter was adjourned to 13.3.2018.

4. On 13.3.2018, Advocate Shri A.K. Sorde submitted before this Court that the appellant was not contacted and the appellant did not establish any contact with him. Therefore, in order to secure the presence of the appellant, the Non-Bailable Warrant was issued.

5. Today, Police Sub Inspector of Gittikhadan Police Station at Nagpur, in execution of the Non-Bailable Warrant, arrested the appellant and brought him before this Court.

6. Learned counsel Shri N.R. Tekade submitted that he has instructions to appear on behalf of the appellant and he will be filing his Vakalantnama today itself. He also moved an application for releasing the appellant on bail. The said application is registered as Criminal Application No.250/2018.

7. The appellant was on bail from 2004, till the Non-Bailable Warrant was issued by this Court on 13.3.2018. The Non-Bailable Warrant was required to be issued for procuring the presence of the appellant.

8. Since learned counsel Shri N.R. Tekade submitted that he has instructions to appear on behalf of the appellant and he

will be appearing and he will be conducting the matter within a period of one week from today, in my view, the appellant need not be detained in jail.

9. On 13.3.2018, this Court directed the concern Deputy Commissioner of Police to file his affidavit in compliance of order dated 13.3.2018.

Learned Additional Public Prosecutor Shri Amit Madiwale for the State, submits that due to professional engagement, Deputy Commissioner of Police Shri Rakesh Ola is required to leave for Delhi and, therefore, the affidavit could not be filed. The said statement is accepted.

The Deputy Commissioner of Police is exempted from filing the affidavit.

10. In view of above, I pass the following order:

ORDER

(a) Criminal Application No.250/2018 is allowed and disposed of.

(b) The appellant to execute a P.R. Bond in the sum of Rs.5,000/- before the Registrar (J) of this Court today itself.

(c) The Police Officials of the Gittikhadan Police Station at Nagpur are directed to set the appellant free, after the execution of P.R. Bond.

(d) The appellant is directed to remain personally present before this Court on 26.3.2018, without fail.

(e) The parties to act upon the steno copy.

JUDGE

!! BRW !!

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