

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

**BAIL APPLICATION NO.3279 OF 2019**

1) Nilesch Vasant Solse; and  
2) Ravindra Suresh Dhumal .. Applicants

***Vs.***

State of Maharashtra .. Respondent

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Mr.Tushar N. Sonawane, Advocate for the Applicants.

Mr.S.H. Yadav, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : DECEMBER 04, 2019.**

**P.C. :**

This is an application for bail. The Applicants were impleaded as an accused in Sessions Case No.52 of 2014, pending before the Court of Additional Sessions Judge, Niphad, District-Nashik, for the offence punishable under Section 302 of Indian Penal Code (“IPC”, for short).

2           The trial is in progress. In the first Session on 22<sup>nd</sup> August, 2019, the accused no.1 was not produced before the Court. The Applicants were also not present. The learned

Sessions Judge issued Non Bailable Warrant against the applicants since they were absent. On the same day, subsequently the accused no.1 was produced before the Court. The applicants also remained present before the Court and preferred an Application for cancellation of Non Bailable Warrant. However, the Applicants were taken in custody. Subsequently, application for bail was preferred before the Court. The said application was rejected by order dated 11<sup>th</sup> October, 2019, on the ground that the offence is of serious nature.

3           It is pertinent to note that the Applicant no.1 was granted bail by Sessions Court and Applicant No.2 was granted bail by this Court vide order dated 10<sup>th</sup> February, 2015, on merits. The order rejecting application for bail passed by the Sessions Court does not mention that the Applicants were repeatedly absent before the trial Court on the date of the hearing of the case. The applicants had also tendered explanation for not remaining present before the Sessions Court when the matter was called out. The Applicants were on bail since 2015. In this circumstances, the case for grant of bail is made out.

4 Hence, I pass the following order:

**:: O R D E R ::**

- (i) Bail Application No.3279 of 2019, is allowed;
- (ii) Applicants be enlarged on bail on their furnishing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount. The applicants are directed to furnish fresh sureties before the trial Court;
- (iii) Bail Application stands disposed of.

**(PRAKASH D. NAIK, J.)**