

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

CRIMINAL APPLICATION NO. 405 OF 2020

Santosh Lahanu Nangare. ..Applicant.

v/s.

The State of Maharashtra. ..Respondent.

Ms. Racheeta Rajendra Dhuru, advocate for applicant.

Ms. Pallavi N. Dabhokar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 19, 2020.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for state.

2 The applicant is facing trial in MCOC Case No. 12 of 2014 before the Special Court at Pune for offence punishable under section 395, 341, 353 of the Indian Penal Code and Section 3(1)(ii), 3(2) 3(4) of MCOC Act. The applicant was enlarged on bail vide order dated 18/1/2018. It appears that the accused persons were not remaining present on the stipulated date before the Special Court, Pune.

3 That on 1/8/2019, the accused No. 1 and 3 were

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absent. Hence, the Court had issued non-bailable warrant. However, on the same day, the accused appeared at 5.30 p.m. seeking cancellation of warrant. Learned Special Court had posted the matter on the next date and had directed that the accused shall be remanded to judicial custody. The accused were not present at the time of passing order of custody. Although the Court Clerk had made efforts to call the concerned police, accused Nos. 1 and 3 fled from the court hall.

4 On 17/8/2019, the accused No. 1 and 3 were again absent, when the matter was called and therefore, non-bailable warrant was re-issued against the applicant.

5 Learned Counsel for the applicant upon instructions submits that the applicant would remain present before the Special Court, Pune on 2nd April, 2020 and get the non-bailable warrant cancelled.

6 Learned APP submits that the conduct of the accused needs to be taken into consideration.

7 In view of the above, Learned Special Court, Pune shall consider the application on its own merits. Hence, the

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Non-bailable warrant issued vide order dated 17/8/2019 is stayed till 4.30 p.m. of 2nd April, 2020.

8 With these directions, the application is disposed of.

[SMT. SADHANA S. JADHAV, J.]