

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

CRIMINAL APPLICATION (APPA) NO. 91 OF 2020
IN CRIMINAL APPEAL NO. 57 OF 2006

(Dilip @ Dipu s/o Ashoklal Nagdeo & 2 Ors. vs. The State of Maharashtra thr. PSO, PS
Gadgenanagar, Amravati)

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

Court's or Judge's orders.

Shri P.V. Nawlani, Advocate for the applicants/
appellants.

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CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JANUARY 29, 2020.

Heard.

Issue notice to the non-applicant/
respondent.

Ms. T. Udeshi, APP for the non-applicant/
respondent – State, waives notice.

The appellants are present in the court.

This application is for cancellation of Non-Bailable Warrant issued by order dated 03.12.2019 and for grant of bail, urging that they are illiterate and though appointed their counsel, were not informed of the progress in the Appeal and in the circumstances, on being remaining absent, non-bailable warrant is issued against them by cancelling

bail granted to them on suspending their sentence.

Having considering the facts that the appellants were already considered to be released on bail on suspending their sentence on merits and as it is noted that merely because of their non-appearance, bail granted to them is cancelled, we are inclined to allow the application as bail granted to them came to be cancelled on mere technicality that the appellants remained absent.

In that view of the matter, Criminal Application is allowed. Since non-bailable warrant is yet to be executed, same is cancelled and be recalled. Appellant Nos. 1, 2 & 3 shall be released on bail on their executing fresh P.R. bond in the sum of Rs.25,000/- (Rs. Twenty five thousand only) each and sureties in the like amount.

JUDGE

JUDGE

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