

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

**CRIMINAL APPLICATION (BA) NO. 548/2021.**

Kailas Hiranman Sawale

**-VERSUS-**

State of Maharashtra.

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

Court's or Judge's Orders

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Shri A.S. Londhe, Advocate for the Applicant.  
Shri S.A. Ashirgade, APP for the Non-applicant.

**CORAM : VINAY JOSHI, J.**

**DATE : JULY 02, 2021.**

Hearing was conducted through Video  
Conferencing.

2. The applicant is seeking bail in Special  
POCSO Case / Sessions Trial No.172/2014 pending  
on the file of the Additional Sessions Judge, Akola.  
The applicant was released on bail, but, due to his  
absence, a non-bailable warrant was issued and in  
consequence, he was taken into custody. The  
learned trial Court while refusing to release him on  
bail has expressed that due to abscondance of  
accused, there is no progress in the trial and

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therefore, bail was rejected vide order dated 05.10.2019.

3. It is brought to the notice of this Court that thereafter there was considerable progress in the trial, as near about 4 witnesses, including the victim, were examined. The learned Counsel for the applicant pointed towards the evidence of the victim to suggest that she gave a categorical statement that nothing of such kind, as stated in the first information report, had occurred.

4. Be that as it may, however, now the evidence of material witnesses has already been recorded. Taking into account said aspect, following order is passed :-

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant/accused Kailas Hiranman Sawale be released on bail in Sessions Trial No.172/2014 pending on the file of the Additional Sessions Judge, Akola, on his furnishing P.R. Bond of

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Rs.50,000/- with one or two sureties in the like amount.

- (iii). The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The applicant /accused shall attend each and every date before the Trial Court.
- (v) Any breach of above conditions, would give liberty to the prosecution to approach this Court seeking cancellation of bail.
- (vi) Misc. Application if any, also stands disposed of.

**JUDGE**

Rgd.