

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

CRIMINAL WRIT PETITION NO. 2070 OF 2022

Nikita Kiran Mehta And Anr.	...Petitioners
Versus	
The State Of Maharashtra	...Respondent

....

Ms. Shweta Varadkar i/by Mr. Prashant S. Thombre, Advocate for the Petitioner.

Mr. A.R. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	17th AUGUST, 2022.

PER COURT:

1. The petitioners are residents of Ahmedabad. They are prosecuted vide CC. No.171/PS/2012 arising out of C.R. No.121 of 2011 registered with Borivali Railway Police Station for the offences under Sections 353, 504, 506 r/w 34 Indian Penal Code.

2. On account of the fact that the petitioners were not present before the trial Court, non-bailable warrant were issued against them and bail bonds were cancelled vide order dated 9th March, 2022. The petitioners preferred an application for cancellation of warrant. The said application was rejected vide order dated 30th March, 2022.

3. The petitioners have urged that they are residents of Ahmedabad. They have been appearing in the proceeding. On account of their non-presence on two occasions, the trial Court has

issued non-bailable warrant and have also cancelled their bail bonds. The petitioners would appear before the trial Court regularly. They would engage the advocate to represent them.

4. Learned APP submitted that the petitioners were not appearing before the Court for a long period of time which has resulted issuance of non-bailable warrant and the order cancelling bail bonds.

5. The petitioners are husband and wife. They are residents of Ahmedabad. The proceedings are pending before the trial Court since 2012. Apparently, they did not remain present which has resulted issuance non-bailable warrant and cancellation of bail bonds.

6. Considering the factual matrix of this case the impugned orders can be set aside with direction to the petitioners to appear before the trial Court on the next date of hearing and on consecutive dates regularly unless exempted by the Court.

ORDER

- i. Impugned order dated 9th March, 2022 passed by the Court of Learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai in Case No. 171/PS/2012 as well as order dated 20th March, 2022 are quashed and set aside.

ii. The petitioner shall appear before trial Court on the next date of hearing i.e. 19th September, 2022. Thereafter, they shall continue to appear before the trial Court on date of hearing regularly unless exempted by the Court for some reason.

iii. Petition stands disposed of.

(PRAKASH D. NAIK, J.)