

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.672 OF 2022

Sourabh Sanjay Patale and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr. Ritesh Thobde i/by S. S. Tambe, Advocate for applicants.
Mr. Arfan Sait – APP for the respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th July 2022

PC :

1. Both the applicants are facing prosecution in connection with CR No.149 of 2020 registered with Sadar Bazar Police Station, Solapur under Section 354-D of IPC and Section 12 of the POCSO Act.
2. The proceedings are pending before the Court of Special Judge, at Solapur vide Special Case No.43 of 2021. Since the applicants and their advocate were absent, the Trial Court issued non-bailable warrant on 17th December 2021. Bail bond of the applicants were forfeited and notice was issued to sureties.
3. It is submitted that applicant no.2 is sister of applicant no.1. They were absent before Trial Court on account of several difficulties. They undertake to appear before Trial Court on next date and all further hearings, unless exempted by the Trial Court.
4. Considering the aforesaid circumstances, I pass following order:

ORDER

- (i) Non-bailable warrant issued against applicants vide order dated 20th April, 2022 passed by learned Sessions Judge in SC No.43 of 2021 below Exhibit -10 is set aside;
- (ii) The order dated 20th April, 2022 passed by learned Sessions Judge in SC No.43 of 2021 below Exhibit -10 forfeiting bail bonds of applicants is set aside and bail bonds of applicants stands restored;
- (iii) The applicants shall file an undertaking before Trial Court stating that they would remain present before Trial Court on the date of hearing and shall co-operate in concluding trial. Such undertaking be filed before Trial Court on the next date of hearing;
- (iv) In case of difficulty in appearing on a particular day, the applicants are permitted to file application for exemption before Trial Court, which may be considered by the Trial Court on its merits

(PRAKASH D. NAIK, J.)

MST