

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

CRIMINAL APPLICATION (BA) NO. 78/2022

Sameer @ Pappu Narendra Mendhe and ors...Versus...State of Maharashtra

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

Court's or Judge's orders

Mr. D.V.Chauhan, Advocate for the applicants.
Mr. S.M.Ghodeswar, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/02/2022

1] Heard Mr. Chauhan, learned counsel for the applicant and learned APP for respondent/State.

2] The applicants who were released on bail by the order the dated 9.3.2016, are said to have defaulted in the matter of attending the Court as per Condition no. (iii) of the bail order, which itself indicated that in case the applicants fail to attend any date of Sessions trial without seeking exemption from the Sessions Court, the order shall stand recalled.

3] An application for grant of exemption from personal appearance came to be filed by the applicants on 31.10.21 and as there were defaults in their appearance, the learned Sessions Court, on 8.10.2021, dismissed the application and an NBW came to be issued. An application for cancellation of NBW filed on 3.12.2021 came to be rejected

and the accused have been taken into judicial custody and have been remanded to jail custody.

4] Mr. Chauhan, learned counsel for the applicants submits that though there were defaults, on part of the applicants, vis-a-vis the order dated 9.3.2016, the liberty of the applicants ought not to be curtailed as they are undertaking to attend each and every date before the learned Sessions Court and would ensure that the trial would not be stalled or delayed in any manner on that count.

5] The learned APP submits that the progress of the trial is material and appropriate order be passed, considering which, the application is allowed. The applicants are released on bail on the same terms and conditions as are availing in the order dated 9.3.2016, with an added condition that henceforth even if there is a single default on the part of the applicants in attending the learned Sessions Court, the bail granted to them shall stand cancelled.

6] Since it is stated that the applicant no. 5 is absconding, the learned Sessions Court may consider the option of separating the trial for the purpose of expeditious disposal of the matter.

JUDGE

Rvjalit

