

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

CRIMINAL APPLICATION (BA) NO. 490 OF 2022

Ajinkya s/o Sukhdeo Nirwan **Versus** State of Maharashtra, through P.S.O., P.S. Bhyandara, Tah.j and District Bhandara.

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

Court's or Judge's Order

Shri Mahesh Rai, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 04/07/2022.

1. The applicant is seeking bail in connection with Crime No. 156/2022, registered with Police Station Bhandara, Tq. and District Bhandara, for the offences punishable under Sections 354(D), 506 of the Indian Penal Code, 1860 read with Sections 11 and 12 of the POCSO Act.

2. The learned counsel for the applicant submits that ad-interim bail was granted to the applicant with a condition that on next date, the applicant shall attend the concerned Court. However, on failure to attend the Court, the learned Trial Court rejected the application for grant of bail.

3. This Court, vide order dated 20/05/2022, granted ad-interim protection to the applicant and thereby he was released on *ad-interim* bail.

4. Today, the learned counsel for the applicant, on instructions, makes a statement that the applicant

undertakes to attend on each and every date of the trial, and in case of any default, it will entail cancellation of bail.

5. Considering the fact that the applicant was granted *ad-interim* bail and because of default in attending the proceeding on the next date, the application was rejected, I am of the opinion that the order granting *ad-interim* protection to the applicant needs to be confirmed and one opportunity should be given to the applicant, in view of the undertaking given by the applicant. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) The bail granted by this Court on 20/05/2022 is confirmed.
- iii) The applicant shall attend each and every date of proceeding, and in case, for any genuine reason is not able to attend the trial, he shall move an application for exemption. However, any breach in undertaking given to this Court, will entail the cancellation of bail.

The application stands **disposed of** accordingly.

[ANIL S. KILOR, J.]