

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

CRIMINAL APPLICATION (BA) NO.590 OF 2022

(VISHAL SHESHRAO SHELAR....VS.. STATE OF MAH. THR. PSO PS WASHIM & ANR.)

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

Court's or Judge's orders

Shri A.M.Jaltare, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant No.1/State.
Shri M.N.Ali, Advocate for Non-applicant No.2.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 05, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Special Case Child Prot. No.187 of 2020, arising out of Crime No.109 of 2020, registered with Police Station, Washim, District: Washim for the offences punishable under Sections 354-C, 380, 323, 504, 506 read with Section 34 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67A of the Information Technology Act, 2000.
3. Shri Jaltare, learned counsel for the applicant submits that the applicant was granted regular bail and when he was on bail, on three occasions, due to health problem he could not attend the trial and that was the

reason to issue Non-Bailable Warrant and on arrest his request to grant bail was rejected and therefore, this application.

4. The learned counsel for the applicant undertakes that henceforth the applicant will attend the trial without fail or in case of any difficulty to attend the trial he would apply for exemption from appearance.

5. On the other hand, the learned A.P.P. and the learned counsel for the non-applicant No.2 strongly opposed the application.

6. Considering the fact that the applicant was already granted bail and while he was on bail he committed default, which resulted into issuance of Non-Bailable Warrant, I am of the opinion that one opportunity should be given to the applicant considering his undertaking to attend the trial regularly till its conclusion. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in Special Case Child Prot. No.187 of 2020, arising out of Crime No.109 of 2020, registered with Police Station, Washim, District: Washim for the offences punishable under Sections 354-C, 380, 323, 504, 506 read

with Section 34 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67A of the Information Technology Act, 2000, on his furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety of like amount.

iii) The undertaking given by the applicant is accepted.

iv) The applicant shall attend the trial on each and every date before the Special Court unless exemption is granted by the Special Court.

The criminal application is **disposed of** in the above terms.

JUDGE

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