

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

Criminal Application (BA) No. 710 of 2022

Rushikesh S/o Vinayak Ukey

Versus

State of Maharashtra, through Police Station Officer, Police Station
Imamwada, Nagpur

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

Court's or Judge's Order

Shri U.B.Dable, Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 15th JULY, 2022.

In this case, the applicant is seeking grant of bail as after issuance of non-bailable warrant for the reason that on five occasions he remained absent and did not attend the sessions case, he appeared on 25th May, 2022 and applied for cancellation of non-bailable warrant and the same was rejected by the Sessions Court.

2. Shri Dable, learned counsel for the applicant submits that due to illness the applicant could not attend the sessions case, however, there was no intention to breach any condition of the bail.

3. He further submits on instructions, that the applicant undertakes to attend each and every date and in case, otherwise he will make an application for exemption. He submits that one opportunity may be given to the applicant.

4. On the other hand, learned Additional Public Prosecutor opposes the present application.

5. I have perused the record.

6. The applicant was enlarged on bail by this Court on 8th January, 2020. However, due to some defaults in attending the Sessions Case, the non-bailable warrant was issued and subsequently, application for cancellation of non-bailable warrant moved by the applicant was rejected.

7. Thus, it is clear that the applicant was on bail and considering the undertaking given by the applicant, I am of the opinion that one more opportunity needs to be given to the applicant. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that applicant shall be released on bail in Crime No. 1 of 2019 registered with Police Station Imamwada, Nagpur for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149 and 504 of the Indian Penal Code, Sections 4 and 25 of the

Arms Act and under Sections 135 and 143 of the Bombay Police Act, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;

iii. The applicant shall attend the Sessions Case No. 264 of 2019 before the trial Court on each and every date, except the exemption is granted;

iv. In case of continuous two defaults without application for grant of exemption, he will entitle for cancellation of bail.

[ANIL S. KILOR, J.]

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by
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