

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

CRIMINAL APPLICATION (BA) NO. 912 OF 2022

Dhanraj @ Hukya Devaji Bihade **Versus** State of Maharashtra, through PSO PS Pachpaoli, Dist. Nagpur.

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

Court's or Judge's Order

Shri S.S.Bhalerao, counsel for the applicant.

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

CORAM : ANIL S. KILOR, J.
DATED : 20/08/2022

1. The applicant is seeking bail in connection with Crime No. 329 of 2019, registered with Police Station, Pachpaoli, Tah. & Dist. Nagpur, for the offences punishable under Sections 399, 402 of the Indian Penal Code, 1860, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

2. The learned counsel for the applicant submits that, the applicant was released on bail in the present offence, however, as he committed a default in attending the trial, non-bailable warrant was issued and thereafter his request for grant on bail was rejected.

3. It is submitted that, the learned trial Court while rejecting the application has observed that, on 09/11/2021, the applicant was taken into custody and he was directed to sit in the Court Hall. However, he left the Court premises without the permission of the Court. On the

same date at about 2.50 p.m., he was again taken into custody and was remanded to Judicial Custody. This Court has further observed that, the applicant has no regards for the orders of the Court.

4. It is submitted that, the applicant did not leave the Court on that date, however, he was in the Court and standing outside the Court room without understanding the consequences of the same. It is now submitted that, one chance should be given to the applicant, as he has learnt lesson out of his mistake.

5. On the other hand, learned APP strongly opposed the present application.

6. The learned Trial Court while rejecting prayer for grant of bail vide order dated 10/06/2022 has observed thus:

“8. On 09/11/2021, accused No.2 was taken into custody and he was directed to sit in the Court Hall. However, he left the court premises without the permission of the Court. On the same date at about 2.50 p.m., he was again taken into custody and was remanded to judicial custody. This shows that accused No.2 has no regard for the orders of the Court. He has flouted the orders of the Court and violated the terms of the bond executed by him as well by remaining absent without justifiable reason.”

7. In the above referred backdrop and considering the submissions of the applicant, I am of the opinion that, the applicant is entitled to get one chance to act responsibly

and show his bonafides. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 329/2019, registered with Police Station, Pachpaoli, Tq. and District Nagpur, for the offences punishable under Sections 399, 402 of the Indian Penal Code, 1860, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the trial on every date, except some exemption is granted.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]