

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 819 OF 2023

Bharat Appa Kale

...Applicant

VERSUS

1. The State of Maharashtra

2. XYZ

...Respondents

...

Mr. Vilas P. Sawant, Advocate for the applicant.

Mr. K.S. Patil, APP for the respondent-State.

Mr. Dinkar Kamble, Advocate for respondent no.2/victim.

...

CORAM : S.G. MEHARE, J.

DATED : JULY 27, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for the victim.

2. The applicant is seeking bail in Crime No.235 of 2019 registered with Beed Rural Police Station, District Beed for the offence punishable under Sections 366-A, 376(2)(f)(n) of the Indian Penal Code and Section 5(l), 5(n), 6 of Protection of Children From Sexual Offences Act.

3. The applicant was released on bail by the learned Sessions Judge on 11.01.2022. However, the applicant could not attend the trial as he was arrested in another crime and behind bar till 25.07.2022. Since he was in jail, he could not contact his lawyer.

Therefore, non-bailable warrant was issued against him. When he learnt about the issuance of non-bailable warrant, he *suo moto* appeared before the Court on 28.03.2023. His prayer for cancellation of non-bailable warrant was declined and he was taken into custody. His bail application was also rejected on the ground that he has not explained satisfactorily his absence since January 2022. The facts indicate that the applicant has reasons for not attending the Court atleast till 25.07.2022. He *suo moto* appeared before the Court seeking cancellation of non-bailable warrant. In such a case, a lenient view may be taken and applicant may be released on bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Bharat Appa Kale, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall attend the trial on each effective date without fail and co-operate with the Court to dispose of the case at the earliest.

(3)

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)