

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1018 OF 2023

NILESH @ NILKANTH MADHUKAR KEDAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sandip R. Andhale
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 28-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No.92 of 2015 registered with Sonai Police Station, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 341, 364, 307, 504, 506, 120B read with Section 34 of the Indian Penal Code and Section 3/25 of the Arms Act and Sections 142, 37(1)(3)/135 of the Maharashtra Police Act.
3. The applicant was released on bail by the Court, however, he did not appear. Hence, he was arrested under non-bailable warrant. Thereafter, the learned Special Judge, Newasa, District Ahmednagar, declined him bail.
4. The learned counsel for the applicant would submit that due to Covid-19 pandemic, he could not attend the trial. He had no intention to protract the trial. Since the date of the arrest of the applicant, there was no progress in the trial. The applicant

undertakes to attend the trial on each effective date. Hence, he may be granted bail.

5. The learned A.P.P. would argue that the conduct of the applicant was not *bona fide*. The case is unnecessarily protracted. He may again flee away from justice. Hence, he may not be granted bail.

6. Perused the order rejecting bail. There appears no material progress in the trial from the date of the arrest of the applicant. He did not attend the court; hence, he was taken into custody. Therefore, a lenient view may be taken and bail may be granted on certain conditions. Hence, the order:-

- i) Bail application is allowed.
- ii) Applicant Nilesh @ Nilkanth Madhukar Kedar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.92 of 2015 registered with Sonai Police Station, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 341, 364, 307, 504, 506, 120B read with Section 34 of the Indian Penal Code and Section 3/25 of the Arms Act and Sections 142, 37(1)(3)/135 of the Maharashtra Police Act, on the conditions that,
 - (a) He shall attend the trial on each date and co-operate with the prosecution to get the trial concluded at the earliest.
 - (b) He shall attend the Police Station, Sonai on every first and third Saturday between 4.00 p.m. to 7.00 p.m. till the conclusion of the trial.

**(S. G. MEHARE)
JUDGE**