

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2184 OF 2023
IN REVN/30/2015 WITH REVN/30/2015

DEVIDAS S/O MAROTI PHAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Aashish T. Jadhavar
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 26-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the respondent/State.
3. This is an application for cancellation of order dated 13.06.2023 issuing N.B.W. against the present applicant/accused since nobody attended the case.
4. The learned counsel for the applicant/accused would submit that he could not cause his appearance due to personal difficulty. The applicant was not deliberately absent. He was ever ready to conduct the matter. The applicant has been arrested and now behind bar.
5. The learned A.P.P. would oppose the application. He would argue that the case is pending since 2015. The applicant was not diligent.

6. Perused the application.
7. The warrant was executed. Hence, there is no question to recall the order. However, the learned counsel for the applicant seeks bail.
8. The grounds for the absence of the learned counsel for the applicant appear *bona fide*. Hence, the order :-
 - i) Criminal application is allowed.
 - ii) The applicant Devidas s/o. Maroti Phad be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the sentence passed in Regular Criminal Case No.7 of 2004 dated 02.11.2012 by the learned Judicial Magistrate, First Class, Court No.2, Gangakhed, District Parbhani, for the offence punishable under Section 324 of the Indian Penal Code and confirmed by the learned Additional Sessions Judge, Gangakhed, District Parbhani in Criminal Appeal No.28 of 2002, dated 27.01.2015.
 - iii) Bail before the learned Judicial Magistrate First Class, Court No.2, Gangakhed.
 - iv) List the revision application on 26.07.2023.

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