

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

958 CRIMINAL WRIT PETITION NO.1165 OF 2021

**BHUSHAN VASUDEV SONWANE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Satej S. Jadhav, Advocate for the petitioner
Mr. S. R. Yadav-Lonikar, learned APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 25th JANUARY, 2023

P. C.

1. Heard the learned advocate for the petitioner.

2. This petition is filed by the petitioner challenging the order dated 06-01-2020, passed by the learned Additional Sessions Judge, Jalgaon declaring him as proclaimed offender in Sessions Case No. 127/2008. It is the submission of the petitioner that in fact he was very much attending the trial. However, during the trial an offence came to be registered against him with the MIDC Police Station bearing Crime No. 0371/2019 dated 04-05-2019 for the offences punishable under Section 307, 341, 294, 504, 506 of the Indian Penal Code and Section 25 (3) of the Arms Act. This subsequent offence is registered by the same person who is an informant in this case.

Since subsequent crime was registered against him, he was approaching the court seeking bail in the event of his arrest in connection with the said offence. It is for that reason he could not attend few dates in the sessions case No. 127 of 2008. As a matter of fact, he was not absconding or he was not jumping out of the bail or avoiding the court. However, on 06-01-2020 an application came to be filed. On that count even the application was moved for cancellation of bail and the bail was cancelled by order dated 10-07-2019 by the Additional Sessions Judge and therefore, he was not available as he was trying to get that order set aside. The advocate further submits that in crime No. 0371/2019 'B' summary report was accepted by the police. For all these reasons he could not attend the trial. It is submitted that since other offence registered there was apprehension for arrest and for that reason he could not attend the court and this impugned order dated 06-01-2020 came to be passed. During pendency of this petition, he even tried and applied for bail in the sessions court. In all these backdrop the petitioner now gives undertaking to this court that he will file an application seeking bail in the Sessions Court, if the petition is allowed. He further undertakes that he will not abscond further and will attend the trial which is pending since 2008. Considering that following order:-

ORDER

a] The criminal writ petition stands allowed subject to following condition:

i] The petitioner shall file an undertaking in this court to the effect that he will not abscond and he will attend the dates in the Sessions Case No. 127/2008 pending before the Sessions Court, Jalgaon within a week.

ii] The petitioner shall file application in the Sessions Case No. 127/2008 subject to that the petition is allowed and the order dated 06-01-2020, passed by the Additional Sessions Judge, Jalgaon in Sessions Case No. 127/2008 below Exh.249 thereby declaring the petitioner as a proclaimed offender, is quashed and set aside.

iii] The trial court is requested to complete the trial as early as possible preferably within a period of six months.

iv] The interim protection shall continue for a period of one week from today.

b] Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]