

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

8 BAIL APPLICATION NO.1851 OF 2023

NILESH @ NILKANTH MADHUKAR KEDAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S.R. Andhale
APP for Respondent : Mrs P.V. Diggikar

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 07, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.211 of 2023 (Sessions Case No.32 of 2020) registered with Sonai police station, Tq. Newasa, District Ahmednagar, for the offences punishable under sections 3,7,25 of the Arms Act and under section 37(1)(3), 135 of the Maharashtra police Act.

2. Mr. Andhale, learned advocate appearing for the applicant would submit that the applicant was released on bail in the subject crime. However, he could not attend two consecutive dates. Consequently, NBW was issued. The applicant is behind bar from 9.1.2023 and ready to abide by the terms and conditions as imposed by this Court. Similar prayer was made before the learned Sessions Judge, however, same is rejected by order dated 16.9.2023. Hence, this application.

3. Learned A.P.P. strongly opposes the prayer. She submits that the applicant is a habitual offender. As many as 15 offences are registered against him. Securing presence of the applicant is a great task before the Investigating Agency. Considering past record of the applicant, she opposes for entertaining the present application.

4. Having considered the submissions advanced, it can be observed that applicant was absent on 19.1.2021 and 12.2.2021 as per roznama. On 8.3.2021 Bailable warrant was issued against the applicant and on 19.3.2021 NBW was issued. It appears that absence of the applicant was during the Covid period. Learned Sessions Judge was initially pleased to release the applicant on bail after considering merits of the case and nature of the allegations. Although, it is pointed out that the applicant is a habitual offender, it can be seen that he is behind bar since January, 2023. However, till this date charge could not be framed because the applicant was not produced before the Court. In this background, it would be just and proper to release the applicant on bail subject to certain conditions. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant-NILESH @ NILKANTH MADHUKAR KEDAR be released on bail in connection with Crime No.211 of 2020 (Sessions Case No.32 of 2020) registered with Sonai police station, Tq. Newasa, District Ahmednagar, for the offences

punishable under sections 3,7,25 of the Arms Act and under section 37(1)(3), 135 of the Maharashtra Police Act on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend the Sonai police station on first and third Saturday between 4 pm to 7 pm till conclusion of the trial.
 - c] The applicant shall attend each and every effective date before the trial court till conclusion of the trial.
 - d] The applicant shall furnish his present residential address and contact numbers with the Investigating Officer and shall update the same on regular basis.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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