



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 513 OF 2023

(DAUD S/O MOHAMMAD PATHAN VS. STATE OF MAHARASHTRA)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Naman Bhangale, Advocate h/f. Mr. Ashok Bhangale,
Advocate for applicant.
Mr. M. J. Khan, APP for respondent State.

CORAM : M. W. CHANDWANI, J.

DATE : 04/09/2023

Pursuant to non-appearance before the trial Court in Sessions Trial No.19/2017, Non-Bailable Warrant (NBW) came to be issued by the learned Sessions Judge. The applicant was arrested by the Police under the execution of NBW. The applicant was produced before the learned Additional Sessions Judge. The applicant moved an application before the Sessions Court for granting of bail, which came to be rejected on 10/01/2023. Therefore, the applicant approached this Court for grant of bail in the above referred case.

2. Heard learned counsel for the applicant and learned APP for the respondent State.

3. On going through the charge-sheet, as well as material produced on record, it appears that the applicant was arrested in connection with Crime No.59/2013 dated 31/05/2023, punishable under Section 395 of the Indian Penal Code, 1908 on the allegation that the applicant and other co-accused threatened and beat the security guard and injured him on his hand and leg; tied him with a chair and took away the iron rods worth Rs.5,60,000/- in their truck. Thereafter, the applicant was released on bail.

4. It appears that due to non-appearance of the applicant before the Sessions Court, NBW came to be issued and he was brought before the Sessions Court under the execution of NBW. The Sessions Court rejected the application for grant of bail on the ground that he was remained absent since long without any valid reason. After the arrest under the execution of warrant, the applicant was almost 7 to 8 months in jail. There is no substantial progress in the trial. The applicant has given undertaking by the applicant that he will appear on each and every date before the Sessions Court, the bail can be granted in favour of the applicant. Hence, the following order :-

ORDER

(a) The applicant, namely, **Daud s/o Mohammad Pathan**, shall be released on bail in connection with Crime No.59/2013 dated 31/05/2013, registered at Police Station, Samudrapur, District – Wardha for the offence punishable under Section 395 of the Indian Penal Code, on executing P.R.Bond of **Rs.50,000/- [Rupees Fifty Thousand only]** with one solvent surety in the like amount.

(b) The applicant shall attend the Sessions Court on each and every date.

5. Accordingly, the application is disposed of.

JUDGE