



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**908 BAIL APPLICATION NO. 410 OF 2024**

DINESH RAMCHANDRA MISTRI  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Vishwajeet Ramesh Jain.

APP for Respondent/State : Mrs. Dipali S. Jape.

Advocate for Respondent No.2 : Mr. Jitendra M. Wagh.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 18<sup>th</sup> April, 2024.

**P.C.:**

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.349 of 2015, registered with M.I.D.C. Police Station, District Jalgaon, for the offences punishable under Sections 363, 366-A, 376(2) (f) of the Indian Penal Code and under Section 5(n) of the POCSO Act.

3 The applicant was released on bail by the Trial Court by order dated 14<sup>th</sup> February, 2017 in Bail Application No.76 of 2017, however, he remained absent for the trial. Therefore, N.B.W. was issued against him and since last eight months he is behind bars. The learned counsel for applicant further submitted that the evidence of 11 witnesses is over. It is lastly prayed to allow the application.

4           The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant intentionally remained absent for trial. It is lastly prayed to reject the application.

5           Considering the peculiar set of the facts, the application deserves to be allowed on certain conditions. Hence, the following order:-

### **ORDER**

- I.     The application is allowed.
- II.    The applicant in connection with Crime No.349 of 2015, registered with M.I.D.C. Police Station, District Jalgaon, for the offences punishable under Sections 363, 366-A, 376(2) (f) of the Indian Penal Code and under Section 5(n) of the POCSO Act, be released on bail on furnishing personal bond of Rs.15,000/- with surety of the like amount on following condition:-
  - a)     The applicant shall attend the trial on each and every day and in exceptional circumstances, his application for exemption may be allowed.

6           The Trial Court is requested to conclude the trial as expeditiously as possible since evidence of 11 witnesses is over.

**[ SANJAY A. DESHMUKH, J. ]**