



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 BAIL APPLICATION NO.835 OF 2024

Jagannath Bhonga Pawara,
Age-48 years, Occu:Labour,
R/o-Bhulane, Taluka-Shahada,
District-Nandurbar.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Amit S. Savale Advocate for Applicant.
Mr. S.B. Narwade, A.P.P. for Respondent-State.
...

CORAM: S.G. MEHARE, J.

DATE : 25th JUNE, 2024

ORDER :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Applicant seeks bail in Crime No. 67 of 2018 registered with Shahada Police Station, District-Nandurbar for the offence punishable under Section 302 of the Indian Penal Code.

3. Bail was granted to the applicant. However, he could not attend the trial, hence, he was produced under warrant. Learned Sessions Judge did not cancel the non-bailable warrant and cancelled his bail. Thereafter the applicant again moved the application for granting bail with an explanation that he did not remain absent deliberately. He has the explanation that due to Covid-19 Pandemic his financial condition was affected and therefore, he was forced to leave the place of his residence for making money for his livelihood. He could not return to his village as there was no employment. There was no intention to evade the trial. He was taken in custody since 17th August 2023.

4. Learned counsel for the applicant would submit that after the arrest of the applicant, charge was framed on 18th January 2024 and since then the matter is kept for Muddemal. He submits that considering the effect of Covid-19 Pandemic and the financial condition of the applicant, liberal view should be taken and he may be released on bail. Applicant undertakes not to leave the place of his residence without the leave of the Court.

5. Learned APP would submit that the applicant has not attended the trial for a long period. He has misused the liberty granted to him. There is no guarantee that he would attend the trial and co-operate with the prosecution. Considering his conduct, the applicant may not be granted bail.

6. The roznama placed on record shows that the applicant was attending the trial till 6th March 2020. Thereafter the Courts were not working due to Covid-19 Pandemic. Many persons have been affected due to said virus. The applicant is a labour. His financial condition must have been affected due to Covid-19 Pandemic. So possibility of leaving the residential place for earning cannot be ruled out. After his arrest, charge was not framed for a long time. Even today the matter is pending for Muddemal. Applicant has good reasons for his absence. His absence cannot be equated with the deliberate acts. Since the date of his arrest the prosecution has not shown the diligence in expediting the trial. Even after the directions issued by the Court not to keep the matters pending for Muddemal and examine the witnesses, the said practice of adjourning the matters for Muddemal appears to have been continued. There shall be no injustice with the person for his absence due to the financial

crisis and the Pandemic. Considering the fact situation, the Court is of the view that bail should be granted to the applicant. Hence the following order:-

ORDER

(I) Bail Application is allowed.

(II) Applicant - Jagannath Bhonga Pawara be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in above crime, on the condition that:-

(a) The applicant shall furnish undertaking that he would not leave the place of residence without the leave of the Court.

(b) The applicant shall attend the trial on each and every effective date.

(III) The learned Additional Sessions Judge, Shahada is directed to issue show-cause notice to the investigating officer, why he is

not producing Muddemal properties since 2018, due to which progress of the trial has been stalled.

(IV) Learned Additional Sessions Judge, Shahada is also directed to look into the matter and expedite the trial.

[S.G. MEHARE , J.]

asb/JUNE24