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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 475 OF 2019

The State of Maharashtra .. Applicant

Vs.

Prashant Sainath Lekurwale .. Respondent

.....
Mr. Mayur S. Sonawane, APP for the applicant – State
Ms. Punam Karande i/b S.S. Sonwalkar for respondent no.1
Mr. J.I. Patil, PSI, Narayangaon Police Station, Pune present
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 1st APRIL, 2024.

P.C.

1. Pursuant to an order passed by this Court on 8th March 2024, a non-bailable warrant was issued against the respondent – accused who appeared today at 3.51 p.m. One Mr. J.I. Patil, PSI, Narayangaon Police Station, Pune Rural accompanied the respondent – accused to show as if the accused was arrested pursuant to the issuance of non-bailable warrant.

2. Heard learned APP and the learned Counsel for the respondent – accused.

3. It is apparent that the respondent – accused has not been arrested but he appeared voluntarily before this Court. The incharge of the concerned police station shall remain present in the Court tomorrow at 10.30 a.m. to answer as to why non-bailable warrant has not been executed.

4. Learned APP invited my attention to an order of bail passed by this Court on 29th November 2017. The applicant and the other accused were released on bail for the offences punishable under Sections 395, 392, 201, 341, 342, 363, 323, 504, 506 r/w 34 of the Indian Penal Code. Condition (ii), (iii) and (iv) are relevant, which are extracted below:-

“(ii) After their release from the jail, the applicants shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. to 1.00 p.m.

(iii) Applicants shall attend all dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.”

5. From the report of the concerned police station submitted by

the Sub-Divisional Officer, Junnar, it appears that the respondent – Prashant Lekurwale and one more accused, whose bail has already been cancelled by this Court namely Prasad Bhausahab Vadak have committed two distinct offences after they were released by this Court.

6. The two offences are C.R. No. 85 of 2018 for the offences punishable under Sections 387, 506, 504, 34 of the IPC alleged to have been committed on 20.04.2018 and C.R. No. 113 of 2018 for the offences punishable under Sections 402, 353, 399 of the IPC on 26.05.2018. After investigation, chargesheets have already been filed in both the crimes against respondent – Prashant Lekurwale and another accused Prasad Vadak. This Court by an order dated 15th February 2024 has already cancelled the bail granted to the co-accused – Prasad Vadak and directed the concerned Police Station to arrest him and to place him in the custody.

7. The argument of the learned Counsel for the respondent – accused that the respondent was present on the last date is unacceptable and unbelievable as on 8th March 2024 despite due service of notice upon the respondent accused, he was absent. Even

his advocate was absent and, therefore, the matter was listed on 15th March 2024.

8. On 15th March 2024 due to paucity of time remaining matters were adjourned. It is difficult to accept the contention of the learned Counsel for the respondent about her presence on 15th March 2024 in the Court, for, had she been present she would have definitely informed the Sheristedar of this Court about the presence of the respondent along with her, especially in light of the fact that the warrant has already been issued against the respondent. *Prima facie*, it appears that a false statement has been made by the learned Counsel across the bar.

9. Since the applicant has not only breached the conditions of the bail order but has also indulged in two separate and serious offences against whom Narayangaon Police Station has also invoked the stringent provisions of MCOC Act, the bail granted to the applicant by this Court on 29th November 2017 stands cancelled. His bond and the bond of surety is forfeited. Surety is discharged.

10. The applicant be placed in the judicial custody until the conclusion of the trial.

11. The application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)