

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

BAIL APPLICATION NO. 2293 OF 2024

1. Sai Raj Chaudhari	
2. Raj Sunil Chaudhari	Applicants
V/s.	
The State of Maharashtra	 Respondent

Ms. Pooja Phagnekar for the Applicant.
Ms. Rashmi Tendulkar, APP for the State.

CORAM: SHYAM C. CHANDAK, J.

**DATED : 07th JUNE, 2024.
(VACATION COURT)**

P.C. :-

- 1) Not on board. Upon mentioning, taken on production board.
- 2) Heard learned Advocate for the Applicants and learned APP for the State. Perused the Application.
- 3) The Applicants are facing trial in Sessions Case No. 307 of 2019 pending on the file of learned Additional Sessions Judge, Kalyan for offences punishable under Sections 353, 332, 504, 506 r/w 34 of the Indian Penal Code.
- 4) The said case could not be progressed due to absence of the Applicants. Therefore, non-bailable warrants were issued against them. However, on 28th May, 2024, the Applicants appeared before the trial Court and submitted an application at Exhibit-D seeking cancellation of non-

bailable warrants. The learned Judge rejected the said application, looking at their conduct of remaining absent. Then, the learned Judge took the Applicants into custody and sent them to jail. Hence, this application.

5) The learned Advocate for the Applicants submitted that, Applicant No.1 has been suffering from some ailment. However, nothing significant is pointed out from the record to show that, the so-called ailment prevented the Applicant No.1 from attending the trial Court. The Applicant No.2 had no difficulties at all in attending the trial Court. However, both the Applicants remained absent. As such, the learned Sessions Judge was compelled to issue non-bailable warrants.

6) However, it may be noted that, the Applicants belong to a lower income group. Learned Advocate for the Applicants submitted that, in future Applicants will regularly attend before the trial Court and will not seek unwanted adjournments. The case is pending in the trial Court. Further detention of the Applicants will not serve any purpose. This is first default of the Applicants. Therefore and looking at the fact that the Applicants voluntarily appeared before the trial Court, both the Applicants deserve one opportunity to be released on bail in the interest of justice. Accordingly, the Application deserves to be allowed. Hence, the following order :-

ORDER

(a) Bail Application No. 2293 of 2024 is allowed.

(b) The Applicants be released on bail in Sessions Case No. 307 of 2019 arising out of Crime No. 314 of 2018 registered with Khadakpada Police Station, Kalyan for offence punishable under Sections 353, 332, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.R. Bond of Rs. 50,000/- each with one or two sureties in the like amount.

(c) The Applicants shall regularly attend the trial Court on each and every date and co-operate for expeditious disposal of the case without seeking unwanted adjournments.

(d) The Applicants shall keep their Advocate on record present before the trial Court on each and every date.

(e) The Applicants shall attend at Khadakpada Police Station, Kalyan twice in a month on every 2nd and 4th Friday between 09:00 a.m to 10:00 a.m. till further order. If the trial Court feels that Applicants are abiding by these conditions properly and co-operating it for expeditious disposal of the case, the trial Court is at liberty to relax this conditions.

7) Bail Application stands disposed of in above terms.

(SHYAM C. CHANDAK, J.)