



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.190 OF 2024
(Akbar Ali s/o Inayat Ali Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.S. Nayak, Advocate for the applicant.
Mr. M.J. Khan, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 20, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant is prosecuted in Sessions Trial No.576/2019 in connection with Crime No.491/2019 registered with Police Station Kalamna, Nagpur for the offence punishable under Sections 302, 307, 341, 323, 120-B, 143, 147, 148 read with Section 149 of the Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951 and Section 4/25 of the Arms Act, 1959.

2. The applicant was released on bail by the Sessions Court on 24/12/2019. The case was committed to the Court of Sessions and applicant has furnished the bail bonds. The rojnama of the proceeding shows that the applicant remained absent on 01/06/2023, and therefore, non-bailable warrant was issued against him. Said non-bailable warrant was executed on 07/12/2023 and the applicant was produced before the Court and Court has remanded him into the Magistrate custody.

3. Learned Counsel for the applicant submitted that due to some unavoidable reasons he remained absent, and therefore, warrant was issued. The applicant will remain present before the Sessions Court regularly. In view of that, the applicant be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the said application and submitted due to the absence of the accused the trial before the trial Court was held up. Hence application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the Rojnama which reveals that on 06/05/2023 the applicant was present before the Court, on 18/05/2023 he sought exemption and on 01/06/2023 he remained absent, therefore, the non-bailable warrant was issued against the present applicant. Admittedly, before issuance of the non-bailable warrant the trial Court to have issue the notice or the bailable warrant against the present applicant which is not issued. At the same time, the applicant in view of the conditions imposed is under obligation to remain present and attend the proceedings.

6. Considering the entire circumstances, the applicant shall be released on bail by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Akbar Ali s/o Inayat Ali in connection with Crime No.491/2019

registered with Police Station Kalamana, Nagpur for the offence punishable under Sections 302, 307, 341, 323, 120-B, 143, 147, 148 read with Section 149 of the Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951 and Section 4/25 of the Arms Act, 1959, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the Court proceedings regularly without seeking any exemption unless there are exceptional circumstances. On failure of the applicant of attending the Court proceedings, the bail granted to the applicant deserves to be cancelled.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall pay the costs of Rs.3000/- with the High Court Legal Services Authority.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)