



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

CRIMINAL APPLICATION (BA) NO.658 OF 2024

(Rajat s/o Vinod Kolte 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. P.S. Jaiswal, Advocate for the applicant.
Mr. A.G. Mate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 1, 2024

Heard.

2. By preferring this application, the applicant is seeking bail under Section 439 of Cr.PC. in connection with Crime No.335/2014 registered with police station Kalamna, Nagpur for the offence punishable under Sections 109, 201, 395, 467, 468, 471, 472 and 120-B of the Indian Penal Code, 1860.

3. After completion of the investigation charge-sheet was filed against the present applicant. Initially for some days the applicant has attended the proceedings and subsequently he remained absent, and therefore, non-bailable warrant was issued against the present applicant. After execution of the non-bailable warrant he was taken into custody and his bail application was rejected.

4. Learned Counsel for the applicant submitted that after filing of the charge-sheet, the applicant has attended on several occasions but as charge was not framed, and therefore, on some dates he remained absent. He submitted that now the applicant is remained present and trial would not be held up due to the absence of the accused. He submitted that considering there are several accused who are not attending the proceedings, and therefore, trial was held up. As far as the presence of the present applicant is concerned would be secured. In view of that, the application deserves to be allowed.

5. Learned APP strongly opposed the application on the ground that due to the continuous absence of the accused the trial was held up. The trial is of the year 2015. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the Roznama from which it reveals that due to the absence of the applicant continuously, the trial was held up. Subsequently, the applicant has attended the proceeding but the non-bailable warrant was issued against him due to the his absence.

7. Considering the fact that on some occasions, the applicant has attended the proceedings and now the learned Counsel for the applicant submitted that he would attend the proceedings before the Court and will co-operate with the trial Court to dispose of the trial.

Hence, the application deserves to be allowed.

Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Rajat s/o Vinod Kolte in connection with Crime No.335/2014 registered with police station Kalamna, Nagpur for the offence punishable under Sections 109, 201, 395, 467, 468, 471, 472 and 120-B of the Indian Penal Code, 1860, 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 proceedings before the trial Court on every date without seeking any exemption.

(iv) Contravention of any of the conditions imposed on the applicant by this Court would lead to cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)