



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.776 OF 2024

Sharavan Sharad Jogane
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Kalamna, Nagpur City, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. K. Bhangde, Counsel for the applicant.
Mr. Nitin Autkar, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/10/2024

1. The applicant is arrested by Kalmana Police Station, Nagpur City in connection with Crime No.860/2021 registered under Sections 399 and 402 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and under Section 135 and 142 of the Maharashtra Police Act.

2. After arrest of the accused/applicant, the applicant has approached the Sessions Court and released on bail. Thereafter, as he remained absent therefore, non-bailable warrant was issued and after execution of the non-bailable warrant, he was remanded to the Judicial Custody.

3. Learned Counsel for the applicant submitted that it is not that the applicant has never attended the Court proceedings, but he has attended the Court proceedings, but due to some reasons, he

could not attend and therefore, non-bailable warrant was issued. He submitted that now the applicant remained present before the Court regularly and could not jump from the conditions imposed by this Court.

4. Per contra, learned APP strongly opposed the said application and invited my attention towards the order of externment and submitted that despite the order of externment, he entering into the jurisdiction of Nagpur and his involvement in the commission of the crime. In view of that, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that there are criminal antecedents against the present applicant, the preventive action of externment is also taken, then also he entered into the jurisdiction of the Nagpur City and his involvement in the commission of crime is revealed. However, all these aspects are considered by the Sessions Court while releasing him on bail. The roznama and the orders passed by the trial Court shows that as the applicant was absent since 2022, the non-bailable warrant and notice to sureties are issued. Thus, considering the fact that, due to the absence of the present applicant, the trial is held up, the application deserves to be allowed by imposing certain

conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Sharavan Sharad Jogane** shall be released on bail on executing PR Bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.860/2021 registered under Sections 399 and 402 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and under Section 135 and 142 of the Maharashtra Police Act.
- (iii) The applicant shall attend the concerned Police Station, twice in a week on Sunday and Thursday between 10.00 a.m. to 1.00 p.m., till culmination of the trial.
- (iv) The applicant shall enter into the vicinity of Kalamna only for the purpose of attending the said Police Station.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- (vi) A single attempt of remaining absent before the Court would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)