



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

CRIMINAL APPLICATION (BA) NO. 931 OF 2024

SUNIL S/O MADHUKAR SABLE VS THE 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. D.D. Chourgade, counsel for applicant.

Ms. Kavita Bhondge, APP for non-applicant/State.

Mr. Kunal Pande, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/11/2024.

1. This is an application for grant of bail in connection with Crime No. 309/2021 registered with Police Station Deulgaon (Raja) District Buldana for the offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code, 1860; and under Section 4 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of a report lodged by father of the victim girl on an allegation that on 13/07/2021, in their absence, the victim has left the home and not return back, and thereafter the victim was searched, and it revealed that she is with the other co-accused, Gaurav. The informant lodged the report at Police Station Deulgaon (Raja), and Crime No. 309/2021 was registered against the main accused. As far as the allegation is concerned against the present applicant that he has abetted the other co-accused to commit the offence. On the basis of said report, police have registered the

crime against the present applicant also. The applicant was initially released on bail, but as he remained absent and therefore, non-bailable warrant was issued against him.

3. Heard learned counsel for the applicant, who submitted that as the applicant was out of station for earning his livelihood, and therefore he could not attend the proceedings. Now, he will attend the proceedings therefore, he be released on bail.

4. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that due to the absence of the present applicant, the trial is held up. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the record from which it reveals that due to the absence of the accused, non-bailable warrant was issued against him, and he was sent behind bar. Admittedly, the trial is held up due to his absence, but considering the applicant is not the main accused and he was out of station to earn his livelihood, in view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

a] The criminal application is **allowed**.

b] The applicant- Sunil s/o Madhukar Sable shall be released on bail, in connection with Crime

No. 309/2021 registered with Police Station Deulgaon (Raja) District Buldana for the offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code, 1860; and under Section 4 of the Protection of Children from Sexual Offences Act, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station twice in a month on 1st and 15th day of every month and Police Station Officer, Police Station Deulgaon (Raja), District Buldana shall record his presence.
- d] The applicant shall attend the proceedings before the Special Court without seeking any exemptions unless there are exceptional circumstances.
- e] Single absence of the present applicant during the trial would lead to cancellation of bail.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]