



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

**CRIMINAL APPLICATION (BA) NO. 1177 OF 2024**

Lakhan @ Sonu s/o Shriram Parshivnikar  
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,  
Kalamana Nagpur

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

Court's or Judge's orders

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Mr. Yash Wadighare Counsel h/f Mr. R. S. Nayak, Counsel for the  
applicant.  
Mr. Nitin Autkar, APP for non-applicant /State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 17/12/2024**

1. By this application, the applicant is seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No.491/2019 registered with Police Station Kalmana, District Nagpur for the offences punishable under Sections 143, 147, 148, 302, 307, 341 and 327 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. The crime was registered against the present applicant on the basis of report lodged by Rashi Vasanta Khobragade. After registration of the crime, the applicant was arrested and he approached to this Court for grant of bail. This Court has considered the investigation papers and statements of the witnesses and observed that the name of the

present applicant is not stated in the FIR and he was arrested merely on the basis of the statement of the other co-accused and released him on bail. After releasing him on bail, he remained absent before the trial Court and therefore, trial Court has issued the non-bailable warrant. After execution of the warrant, the applicant was taken into custody and hence he preferred an application before the Sessions Court for grant of bail which was rejected. Hence, this application.

3. Heard learned Counsel for the applicant who submitted that the Roznama shows till September 2022, he has attended the proceeding before the Court regularly, subsequently, his mother suffered from Cancer and therefore, he has to shift at Mumbai and therefore, he has not attended the Court. He submitted that now the applicant would attend the Court regularly. There was no intention to prolong the case but due to unavoidable circumstances, he could not remain present and therefore, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that due to the absence of the present applicant, the trial was held up and therefore, if he is released on bail, again the trial will be held up. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the record it reveals that till September 2022, admittedly, the applicant has attended the proceeding regularly but subsequent to that he remained absent and therefore, non-bailable warrant was issued. The medical report filed on record shows that his mother was suffering from Cancer and therefore his mother was taking treatment at Nagpur and for his livelihood he has to shift to Mumbai therefore, he could not attend the proceeding. Thus, considering the reason which appears to be just and reasonable cause. In view of that, the application deserves to be allowed subject to the condition that he shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances. In view that, I proceed to pass following order:

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Lakhan @ Sonu s/o Shriram Parshivnikar** shall be released on bail in connection with Crime No.491/2019 registered with Police Station Kalamana, District Nagpur for the offences punishable under Sections 143, 147, 148, 302, 307, 341, 327 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall furnish his mobile number and his local address as well

as the address wherein he is residing at Mumbai along with the address proof.

(iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) A single default on the part of the present applicant would lead to the cancellation of bail.

6. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**