



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

CRIMINAL WRIT PETITION NO.1022 OF 2024

Akshay Devidas Kotangale (in Jail)

(Vs.)

State of Maharashtra, thr. PSO PS Yashodhara Nagar, Nagpur

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

Court's or Judge's orders.

Mr.M.A. Vishnu, Advocate for the petitioner.

Ms Sonia Thakur, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 18.12.2024

Heard learned Advocate for the petitioner
and learned APP for the State.

2. In view of the controversy involved in the
petition, the petition is taken up for final disposal at
the stage of issuance of notice.

3. Considering the nature of the order
impugned in this petition after filing of the charge-
sheet, the summons was issued to the accused. The
accused did not respond to the said summons.
Therefore, the learned Magistrate was constrained

to issue non-bailable warrant against the accused.

4. Pursuant to the non-bailable warrant, the accused was arrested. He applied for bail before the learned Magistrate. Learned Magistrate rejected the application.

5. It is to be noted that regular bail was already granted to the accused vide order dated 05.08.2024 in Crime No.466/2024. It is submitted that the summons was not served to the accused and therefore, he could not attend the Court.

6. Learned APP submits that the application was rejected by the learned Magistrate because the learned Magistrate has no jurisdiction to grant bail.

7. On going through the record, I am of the view that the learned Magistrate should have considered his request for bail. The accused was already on regular bail pursuant to the order dated 05.08.2024. Before committal of the case he did not

appear before the learned Magistrate and therefore, non-bailable warrant was issued against him.

8. In the facts and circumstances, it would be just and proper to allow this application.

9. Accordingly, the petition is allowed.

10. The accused-Akshay Devidas Kotangale be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and one surety in the like amount.

11. Criminal Writ Petition stands disposed of.

JUDGE