



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPEAL NO. 32 OF 2025**

Gajanan S/o Ladba Pawar .. Appellant

**Versus**

The State of Maharashtra and another .. Respondents

Shri Abhijit S. More, Advocate for the Appellant.

Mrs. Chaitali Choudhari-Kutti, A.P.P. for the Respondent No. 1.

Shri G. N. Chincholkar, Advocate for the Respondent No. 2 –  
appointed.

**CORAM : SHAILESH P. BRAHME, J.**

**DATE : 26TH MARCH, 2025.**

**FINAL ORDER :**

. Heard both sides.

2. This appeal is preferred challenging order dated 11.12.2024 passed by the learned Additional Sessions Judge, Hingoli below Exhibit 20 in Special Case No. 03 of 2019 rejecting regular bail application of the appellant.

3. First information report lodged by the respondent No. 2 on 27.05.2018 was initially for the offence U/Sec. 354, 341, 323 of the I. P. Code and Atrocities Act. The appellant is alleged to have outraged modesty of the informant in her hut and, thereafter assaulted her. He was initially released on regular bail vide order dated 04.07.2018. The charge sheet was filed on

09.12.2018. He did not remain present during the course of trial. Due to his lapses, he was arrested on 29.11.2024. Hence he is required to file application for regular bail.

4. Learned counsel for the appellant submits that he was unable to remain present due to the restrictions imposed for pandemic of Covid – 19. It is further submitted that he is ready to abide by any condition. It is submitted that on merits he was held to be entitled to bail previously.

5. Learned Assistant Public Prosecutor submits that charge sheet was filed in the year 2018. The restrictions of Covid – 19 commenced from March 2020 and, therefore, reason assigned by the appellant is palpably misconceived. It is submitted that there is every possibility of jumping over the bail.

6. Learned counsel Mr. Chincholkar, who is appointed through legal aid for the respondent No. 2 supports the submissions of the learned A. P. P.

7. Admittedly, appellant was released on bail on 04.07.2018. After charge sheet was filed on 09.12.2018, during the course of trial, appellant remained absent and nonailable warrant was required to be issued. It is also informed that he is discharged vide order dated 24.12.2019 to the extent of offence U/Sec. 3(1)(r) of the Atrocities Act. Once having enlarged the appellant on bail on consideration of merits of the case, I do not find that there is

any point in denying him bail. For his lapses a care can be taken so that he should cooperate during the trial.

8. Reasons assigned by the learned Judge in rejecting bail are unsustainable. Learned counsel for the appellant makes a statement that his client is ready to furnish undertaking to the trial Court to ensure his presence and cooperate in the expeditious disposal of the case. Relying on the statement of the learned counsel for the appellant, I find it fit to allow present appeal. I, therefore, pass following order.

### **O R D E R**

A. The criminal appeal is allowed.

B. The impugned order dated 11.12.2024 passed by the learned Additional Sessions Judge, Hingoli below Exhibit 20 in Special Case No. 03 of 2019 is quashed and set aside.

C. The appellant/ Gajanan S/o Ladba Pawar shall be released on regular bail on furnishing personal bond of Rs. 25,000/- (Rs. Twenty Five thousands only) with one solvent surety of like amount on following conditions :

(i) The appellant shall furnish an undertaking before the Trial Court that he shall cooperate for expeditious disposal of the case and shall remain present whenever called upon.

ii) The appellant shall not tamper the prosecution witnesses.

D. The criminal appeal is disposed of.

E. Fees of Mr. Chincholkar, learned counsel appointed is quantified to Rs. 4,000/- (Rs. Four thousands only)

**[ SHAILESH P. BRAHME J. ]**

*bsb/March 25*