



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

CRIMINAL APPEAL NO. 222 OF 2025

Kalvindersingh @ Kalusingh Rajendrasingh Bawari .. Appellant

Versus

The State Of Maharashtra And Another .. Respondents

Mr. Mohit R. Malpani, Advocate for the Appellant.

Mr. S. B. Jadhav, APP for Respondent No. 1.

Mr. Quazi Mubashir, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 25th AUGUST, 2025.

PER COURT :-

. Heard learned advocate for the appellant, learned A.P.P. and learned advocate for respondent No. 2.

2. The present appeal is filed seeking release on bail of the appellant in Special Case No. 32/2017 pending in the Court of learned Additional Sessions Judge – 2, Nanded. It is the case of the appellant that, in spite of his co-operation the trial is not completed till now. He is therefore seeking his release on bail. On the last occasion this Court has solicited instructions from the learned A.P.P. about the progress in the trial.

3. The learned A.P.P today submits that, most of the time trial was delayed because of the conduct of the present appellant. Four witnesses are yet to be examined which may take further 3-4 months. He further points out that, the Court has specifically observed that, it is the conduct of the present appellant which has resulted into delay in trial. The appellant was released on bail initially in 2020. Thereafter, he was continuously remaining absent. Non bailable warrant was required to be issued on 28.06.2023. Thereafter on 08.01.2024 he is re-arrested. He submits that, no sympathy need be shown to the appellant. He invited attention of this Court to the observations of the learned Trial Court while rejecting the bail application. He thus prays for rejection of the appeal.

4. The learned advocate for respondent No. 2 vehemently opposes the appeal. He submits that, in the present case the appellant deserve no sympathy. It is his conduct which has resulted into delay in trial. He points out the observations of the Court that though the application is filed, there is no mention of rejection of earlier bail application below Exh. 134. No change in

circumstances are shown giving rise to filing of successive bail application. He thus prays for rejection of the appeal.

5. In the present case, some dates are crucial. It is seen that, because of conduct of the appellant in not remaining present before the Court, the Court was required to issue non bailable warrant on 28.06.2023 still he could not be arrested immediately. He was arrested only on 08.01.2024. Till that time he did not even surrender. It is tried to be canvassed by the learned advocate for the appellant that, there was communication gap between his advocate and him and he could not get the knowledge of issuance of non bailable warrant. He also tried to canvass that the appellant is poor labourer and was required to go out of village doing labour job. This Court hardly finds this to be convincing reason. It is indigestible that the advocate would not communicate the order of issuance of non bailable warrant for such a long period. It also cannot be comprehended that even the appellant did not make any enquiry about the dates before the learned Trial Court. It is clearly appearing that, delay is not solely attributed to the prosecution. The considerable part of delay is attributed

even to the accused and the conduct of the accused. This Court has seen the allegations as well. Considering the merit, the bail application is already rejected on earlier occasion. Keeping that also in mind this Court finds that, no case is made out to allow the appeal. Criminal appeal, therefore, stands dismissed.

6. It is expected of the Trial Judge to complete the trial as early as possible and in any case by the end of 31.12.2025. In case, the trial is not completed by that time the accused/appellant is at liberty to move the Court again for bail.

(KISHORE C. SANT, J.)

P.S.B.