



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

87 BAIL APPLICATION NO. 1847 OF 2025

Manoj Balasaheb Rahane

VERSUS

The State Of Maharashtra

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Mr. K. N. Shermale, Advocate for Applicant

Mr. K. K .Naik, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

1. Heard.

2. This is an application seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.732 of 2021, registered at Sangamner Police Station, District Ahilyanagar, for the offences punishable under Sections 302, 212, 201 and 34 of the Indian Penal Code. The applicant was earlier released on bail by this Court by order dated 05.08.2022 in Bail Application No.794 of 2022.

3. The learned advocate for the applicant pointed out the daily sheet of Sessions Case No.71 of 2022 pending before the Trial Court and submitted that on 4-5 occasions the applicant was absent, and therefore, a non-bailable warrant came to be issued against him. He relied upon the law laid down by the Hon'ble Supreme Court in ***Inder***

Mohan Goswami & Another Vs. State of Uttaranchal and Others, reported in 2008 (1) SCC (Cri) 259, particularly paragraph No.50, which reads as under:

“50. As far as possible, if the Court is of the opinion that a summon will suffice in getting the appearance of the accused in the Court, the summon or the bailable warrants should be preferred. The warrants either bailable or non-bailable should never be issued without proper scrutiny of facts and complete application of mind, due to the extremely serious consequences and ramifications which ensue on of warrants. The Court must very carefully examine whether the Criminal Complaint or FIR has not been filed with an oblique motive.”

The learned advocate for the applicant submitted that the applicant is ready and willing to attend the Court regularly and lastly prayed to grant bail to the applicant.

4. The learned APP for the State strongly opposed the application and submitted that the applicant had remained absent during the trial proceedings on multiple occasions, therefore, a non-bailable warrant was issued against him. It is lastly prayed to reject the application.

5. Perused the charge-sheet, particularly the daily sheet, which shows that the applicant remained absent on 4-5 occasions. The charges are yet to be framed. As per the law laid down by the Hon’ble Supreme Court in the case of ***Inder Mohan*** (*Supra*), the learned Trial Court ought to have issued summons in the first instance, followed by a bailable warrant, and

only thereafter a non-bailable warrant to secure the presence of the applicant. In view of the said legal position and the facts of the present case, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.732 of 2021, registered at Sangamner Police Station, District Ahilyanagar, for the offences punishable under Sections 302, 212, 201 and 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall attend the Trial Court regularly.

[SANJAY A. DESHMUKH, J.]

HRJadhav