



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1936 OF 2025

BHIMRAO ALIAS PINTU SAMBHAJI MUSALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S. B. Solanke
APP for Respondent-State : Ms. R. R. Tandale

...
CORAM : SACHIN S. DESHMUKH, J.

Date : 4th December, 2025

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR bearing Crime No. 166 of 2017 registered with Patoda Police Station, for the offences punishable under Sections 353 and 307 read with 34 of the Indian Penal Code and Section 132 and 179 of the Motor Vehicles Act.
2. Initially, on 20.06.2017, the FIR came to be registered for the aforesaid offences. After completion of investigation, the charge-sheet came to be filed on 19.09.2017. Considering the same, the learned Sessions Court granted bail to the applicants.
3. Thereafter, on 02.03.2023, the non-bailable warrant (NBW) was issued against the applicants due to their absence during trial. On 05.08.2025, the applicants appeared and were

remanded in MCR. The learned Session Judge recording the continuous absence of the applicant and failure to comply with the conditions of bail, rejected the bail application.

4. The learned counsel for applicants submits that the applicants are driver by occupation and as a result of same, the applicants have to travel. Therefore, applicants were unable to remain present before the concerned Court on the date of hearing.

5. Per contra, the learned APP strongly opposed the application submitting that to protract the trial, the applicants intentionally evaded appearance before the Trial Court.

6. The applicants could not regularly remain present during the trial due to their occupation. Moreover, in absence of any criminal antecedent vis-a-vis on the ground of parity, applicants were enlarged on bail.

7. In any case, considering the occupation of applicants being driver, which resulted into absence during the trial, therefore, their absence warrant consideration. It is a matter of record that on the subsequent date, the applicants were present before the trial court. Thus, no fruitful purpose would be served by keeping the applicants behind the bar.

8. In that view of the matter, treating the said instance as

an exception under compelling circumstances and taking into account the fact that the applicants are drivers by occupation, I am of the considered opinion that the applicants deserve to be released by imposing stringent conditions. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicants – No. 1 Bhimrao @ Pintu Sambhaji Musale and No. 2 Nitin Dhanraj Chate be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, Crime No. 166 of 2017 registered with Patoda Police Station, for the offences punishable under Sections 353 and 307 read with 34 of the Indian Penal Code and Section 132 and 179 of the Motor Vehicles Act, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi