



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 BAIL APPLICATION NO. 478 OF 2025

SACHIN PRAKASH JAGTAP

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Gandhi Amol Subhash

APP for Respondent/State : Mr. N.B. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27/06/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant was arrested in connection with Crime No. 303/2020 dated 23.12.2020 registered with Talwada Police Station, District Beed for the offences punishable under sections 363, 366(A), 376(2)(N) of I.P.C. and under section 4, 8, 12 of the Protection of Children From Sexual Offences Act.
3. The applicant has been granted bail by this Court vide order dated 29.6.2021 in BA No. 482/2021 considering that the victim was of 17 years and there was no evidence to show that the applicant has committed sexual violence against the victim and the applicant does not have any criminal antecedents.
4. After releasing on bail during the course of trial the applicant did not remain present on certain occasions, therefore, the trial court issued non bailable warrant against the applicant. After arrest, the applicant has filed application for cancellation of non bailable warrant and the same has been

rejected by the trial Court vide order dated 13.1.2025. Thereafter, the applicant has filed bail application the same has also been also rejected by the Trial Court vide order dated 1.3.2025. Hence, the present application is filed for for quashing the above impugned orders and releasing the applicant on bail.

5. The learned counsel for the applicant submits that the observations of the trial court in above para are not entirely correct. The learned counsel submits that after bail being granted to the applicant, he was present on eight occasions, the applicant sought exemption on two occasions which was granted, on four occasions the court was on leave. The learned counsel submits that the applicant was absent on around six occasions and before issuing nonailable warrant, the applicant was absent on 5 occasions. The learned counsel for the applicant submits that the applicant is 25 years old and is labourer and for the unfortunate reasons i.e. for occupation he was not present in the village and had gone outside the village for working. The learned counsel undertakes that hereafter the applicant would remain present on all dates before the trial Court and without prior leave of the trial court he will not remain absent. Considering all these facts, the learned counsel, prays for cancellation of the nonailable warrant and releasing the applicant on bail.

6. The APP has strongly opposed the application as the offence is very serious.

7. On perusal of the papers, it appears that the applicant is in jail from last six months. Considering the reasons given by the applicant for remaining absent in trial and considering the age of the applicant, it would not be proper to keep the applicant behind bars. Thus, the impugned order

passed by the learned trial court needs to quashed and set aside and the applicant can be granted bail on certain conditions.

8. In view of the above, the application is allowed and the impugned orders passed by the learned Special Judge (POCSO), Beed are quashed and set aside.

9. The applicant shall be released on bail on the same terms and conditions as mentioned in earlier order dated 29.6.2021 in BA No. 482/2021 and on further condition that the applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

10. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/