

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3168 OF 2025

Deepak Appasaheb Deshmukh

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Vaibhav R. Gaikwad, for the Petitioner.

Ms. S. D. Shinde, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 18th JUNE 2025

PC:-

1. Heard Mr. Gaikwad, learned Counsel appearing for the Petitioner and Ms. Shinde, learned APP appearing for the Respondent-State.

2. At the outset, Mr. Gaikwad, learned Counsel appearing for the Petitioner seeks leave to amend the prayer clause. Accordingly, leave is granted to amend the prayer clause. Amendment be carried out forthwith. Re-verification is dispensed with.

3. The challenge in this Writ Petition is to the order dated 8th October 2024 passed by the learned Sessions Judge, Vaduj, Dist.

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Satara below Exhibit-62 in Session Case No.26 of 2023 as well as *inter alia* to the order of the same date i.e. 8th October 2024 by which Non-Bailable Warrant (“**N.B.W.**”) has been issued against the Petitioner i.e. Accused No.16-Deepak Deshmukh.

4. Mr. Gaikwad, learned Counsel appearing for the Petitioner states that in fact, the Petitioner was in custody as he was arrested on 4th September 2024 in connection with P.M.L.A. Case No.734 of 2022. He submitted that the Division Bench of this Court by the order dated 25th October 2024 passed in Writ Petition (ST) No.20120 of 2024 released the Petitioner on bail. He therefore, submitted that on 8th October 2024, Application bearing Exhibit-62 has been filed in the said Session Case No.26 of 2023 pointing out the said fact and that therefore, the Petitioner could not remain present in the Court. However, the said Application was rejected without taking into consideration the said fact and thereafter, immediately N.B.W. has been issued.

5. Ms. Shinde, learned APP strongly opposes the grant of any relief in the Writ Petition.

6. However, perusal of the record shows that the Petitioner was arrested on 4th September 2024 in P.M.L.A. Case No.734 of 2022 and he was released on bail by the Division Bench of this Court by the order dated 25th October 2024 passed in Writ Petition (ST) No.20120 of 2024. Thus, it is apparent that on 8th October 2024, the Petitioner was in custody in the said case and therefore, the said fact was brought to the notice of the Sessions Court. Thus, the impugned order dated 8th October 2024 rejecting Application below Exhibit-62 in Session Case No.26 of 2023 and issuance of N.B.W. qua Petitioner i.e. Accused No.16-Deepak Deshmukh is totally illegal and perverse.

7. Accordingly, the order dated 8th October 2024 passed by the learned Sessions Judge, Vaduj, Dist. Satara below Exhibit-62 in Sessions Case No.26 of 2023 is quashed and set aside and consequently the order dated 8th October 2024 issuing N.B.W. only against the present Petitioner i.e. Accused No.16-Deepak Deshmukh is quashed and set aside.

8. It is clarified that the said order dated 8th October 2024 by which N.B.W. has been also issued against the Accused No.8-Maruti

Khandekar and Accused No.18-Sachin Mane, has not been set aside.

9. Mr. Gaikwad, learned Counsel appearing for the Petitioner states that the next date of the said Sessions Case No.26 of 2023 is 14th August 2025 and the Petitioner will remain present before the learned Sessions Court, Vaduj, Dist. Satara on that date. The said statement made by Mr. Gaikwad, learned Counsel appearing for the Petitioner, on the instructions of the Petitioner, is accepted as undertaking given to this Court.

10. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]