IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 856 of 2025

Sahilali Mohamadali Khan … Applicant
V/s.
State of Maharashtra and others … Respondents

Mr. Salman Pathan	Advocate for the Applicant.
Mrs. G.S. Rao	APP for the State.
Tushar Popat Darade	From Bhor Police station Pune rural present.

LATA SUNIL PANJWANI
Digitally signed by LATA SUNIL PANJWANI
Date: 2025.08.18 13:52:06 +0530

CORAM : S.M. MODAK, J

DATE : 08th August 2025.

P.C. :

The matter is on Board but the papers are not supplied by the office. Heard learned Advocate for the Petitioner and learned APP.

2. I have gone through the papers which are supplied by the learned APP. It is a set of papers which is supplied to her office by the Applicant.

3. The Applicant is an accused in RCC No. 14/2012 pending before the Court of JMFC, Bhor. There was a non-bailable warrant issued against him. He applied for cancellation. It is rejected on 9th July 2025. The explanation which he is offering is he was arrested in

two offences in the State of Goa and he is in judicial custody. That is why he could not remain present. Learned Judge has not accepted this explanation.

4. Now he is in Central jail, Goa, so non-bailable warrant can also be served at that place. In view of the submission made that after coming out from the jail, he will remain present before Bhor Court, I am inclined to grant some relief by making certain observations:

(i) The Applicant is granted liberty to again apply for cancellation of non-bailable warrant.

(ii) Non-bailable warrant is issued for securing presence but if the Applicant is showing the readiness to remain present, there are other certain modes available in BNSS in order to ensure his attendance on future dates. One of the mode is asking him to furnish additional surety.

(iii) This surety is not in place of earlier surety but in addition to earlier surety. The only reason is if additional surety is furnished, the attendance of the Petitioner can be secured through this additional surety, in addition to earlier surety.

(iv) What should be the amount of surety can be decided by the trial Court. Trial Court should insist on furnishing surety who is having resident in Bhor Taluka only.

(iv) In view of that, if any application is made, the learned Magistrate is directed to decide that application on the basis of above observations. It is but natural that such application will be decided without applicant being produced physically.

With these observations, the Application is disposed of.

(S.M. MODAK, J.)