

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1474 OF 2025

Arvind Kumar Yadav ...Applicant

Versus

State Of Maharashtra ...Respondent

SANTOSH
SUBHASH
KULKARNI

Mr. Shailesh Kharat, a/w Onkar Chaudhari, for the Applicant.
Smt. R. S. Tendulkar, APP for the State.

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SANTOSH SUBHASH
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**CORAM: N. J. JAMADAR, J.
DATED: 12th DECEMBER, 2025**

Oral Order:-

1. Heard the learned Counsel for the applicant
2. As the applicant did not appear before the learned Magistrate in Case No.442/PW/2021, wherein the applicant and co-accused are being prosecuted for the offences punishable under Sections 376 and 354A read with Section 34 of the Indian Penal Code, 1860, the learned Magistrate has issued non-bailable warrant against the applicant and co-accused. When accused Nos.1 and 2 appeared before the learned Magistrate on 10th November, 2025, their application for cancellation of warrant was rejected and the co-accused have been taken in custody. Apprehending the same fate, the applicant has approached this Court.

3. The learned Counsel for the applicant submits that the role of the applicant was not as grave as attributed to the co-accused. On account of the incorrect address having been mentioned, the applicant did not get the information about the lodging of the charge-sheet. The non-appearance was not intentional.

4. In view of the aforesaid submissions, having regard to the role attributed to the applicant, this Court considers it appropriate to protect the applicant till the applicant appears before the learned Magistrate and seeks cancellation of the non-bailable warrant.

5. Hence, the following order;

: O R D E R :

- (i) The applicant shall appear before the learned Magistrate on 15th December, 2025 and seek cancellation of the non-bailable warrant.
- (ii) In the event the applicant appears and files an application for cancellation of non-bailable warrant, the learned Magistrate may have due regard to the circumstances in which the applicant could not appear before the learned Magistrate.

- (iii) In the meanwhile, the execution and operation of the non-bailable warrant shall remain stayed.

Application stands disposed.

[N. J. JAMADAR, J.]