

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3626 OF 2025

Balaji Nagu Kaikadi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr B J Shaikh, *for the Applicant.*

Mr Yogesh Y Dabke, *learned APP for the Respondent-State.*

Mr Kishor Desai, *Pairavi PSI attached to Dindoshi Police Station, present.*

CORAM Dr. Neela Gokhale, J.

DATED: 19th SEPTEMBER 2025

PC:-

1. By way of this Application, the Applicant seeks his release on bail in connection with C.R. No. 397 of 2019 dated 10th August 2019 registered with Dindoshi Police Station, Mumbai.

2. The case of the prosecution is that the Applicant and others had forcibly entered a flat of the Complainant and had beaten up his wife and son and had also taken away valuable

articles from the flat. Thus, the FIR was registered against the Applicant and other accused for the offences punishable under Sections 395, 450, 120B of the Indian Penal Code, 1860.

3. The Applicant was released on bail by the Sessions Court, Dindoshi by an order dated 3rd December 2019 on certain terms and conditions. Thereafter, it transpired that the Applicant failed to attend the Trial Court on number of dates, however, he did visit the police station as and when the Investigating Officer called him. On account of him not attending the trial, non-bailable warrant was issued against him and he was thus, arrested. He filed a bail application before the Trial Court but by an order dated 21st August 2025 the same was rejected. Hence, he has filed the present bail application for the reliefs as prayed.

4. Heard Mr. B J Shaikh, learned counsel appearing for the Applicant and Mr Yogesh Y Dabke, learned APP representing the State and perused the record with their assistance.

5. Mr. Shaikh submitted that it was only on account of illness of Applicant's mother that he was not able to attend the Trial Court for a few dates. Thereafter, his Advocate did not keep him apprise of the further dates of hearing and he lost touch with his advocate. It was in these circumstances that he failed to attend the Trial Court. The infraction was not deliberate and totally unintended. He further assures the Court that the Applicant will remain present on each and every date before the Trial Court as well as the Police Station as and when the Investigating Officer requires him to do so.

6. Mr. Shaikh further submits that the Applicant is a cleaner and hardly earns any substantial income. He is the only earning member in his family and has to look after his old mother.

7. Mr. Dabke submits that the Court may pass appropriate orders subject to appropriate conditions to ensure the presence of the Applicant before the Trial Court.

8. It appears that the Applicant has not attended the Trial Court on a few dates because of the illness of his mother. He is a cleaner and is residing at the address mentioned in the Application. The Investigating Officer has confirmed the address of the Applicant. Charges are not yet framed.

9. In these circumstances, I find this case fit to grant bail. Bail Application is allowed on the following conditions:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Kurar Police Station, Mumbai once every 15 days between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

iii) The Applicant shall not leave the jurisdiction of the Kurar Police Station till the pendency of the trial;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer
of the concerned Police Station;

viii) The Applicant to co-operate with the conduct
of the trial;

ix) Any infraction of the aforesaid conditions
shall entail cancellation of bail.

10. Application is allowed in the above terms and is
accordingly disposed of.

11. It is made clear that the observations made herein
are *prima facie* and are confined to this Application and the
learned trial Judge to decide the case on its own merits,
uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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