

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

BAIL APPLICATION NO. 4466 OF 2025

Sahebrao Pandurang Barve

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Vaibhav Gaikwad for the Applicant.

Ms. Sangeeta Shinde, APP for the Respondent – State.

CORAM : SHYAM C. CHANDAK, J.

DATED : 05th DECEMBER, 2025

P. C. :-

- 1) Not on board. Upon mentioning, taken on production board.
- 2) Heard Mr. Vaibhav Gaikwad, learned Counsel for the Applicant and Ms. Sangeeta Shinde, learned APP for the Respondent – State. Perused the Application and the documents annexed.
- 3) The facts giving rise to this Application are that, the Applicant is facing a Special Case (ACB) No.2/2017 for the alleged offences punishable under Section 7 of the Prevention of Corruption Act. The said case is pending hearing and disposal for the learned Additional Sessions Judge-1, Vasai. The charge was framed on 01/10/2018. Thereafter, the Application seeking discharge of the Applicant was rejected. The Applicant filed a Revision Application and assailed that Order before this Court. But, no stay is granted in the Revision. Meanwhile, the Applicant and his Counsel both were absent in the said case. Therefore, the trial

Court issued a non-bailable warrant against the Applicant. On 19/11/2025, the Applicant appeared before the trial Court and filed the Application (Exhibit – 30) seeking cancellation of the warrant. The trial Court rejected that Application noting that the Applicant is protracting the trial. Immediately, the Applicant filed an Application for bail (Exhibit – 31). However, the trial Court noted that the trial in the case could not be commenced because the Applicant moved the Discharge Application, belatedly. Thereafter, the Applicant did not co-operate with the trial. Therefore, the trial Court rejected that Application for bail and took the Applicant in custody. Hence, this Application.

4) Mr. Gaikwad, learned Counsel for the Applicant submitted that the Applicant is a public servant. He was in service when his prayer to cancel the non-bailable warrant was rejected and he was taken into custody by the trial Court, as above. The Applicant is not likely to abscond. The Applicant undertakes to appear before the trial Court regularly on the given dates. The Applicant will not take unwanted adjournments. The Applicant is ready to abide by any condition including deposit of the forfeited bail bond amount of Rs.15,000/-. However, he submits that if that amount is more, the Applicant will deposit the additional amount as may be necessary. He submits that if the Application is allowed, the Applicant may be granted two weeks time to furnish surety and till then, the Applicant may be released on cash bail.

5) Learned APP supported the Orders passed by the trial Court.

6) The main reason for rejection of the Application for cancellation of non-bailable warrant and grant of bail is that, after framing of the charge, the Applicant moved the Discharge Application, belatedly. Thereafter, he did not appear before the trial Court on the given date. Nevertheless, the fact remains that the Applicant is not likely to abscond and nor he is likely to tamper with the prosecution evidence. As submitted by the learned Counsel for the Applicant, the Applicant was in service when he was taken into custody by the trial Court as above.

7) In view thereof, I am inclined to allow the Application and pass the following Order :-

(a) The Application is allowed.

(b) The Applicant – Sahebrao Pandurang Barve is directed to be released on bail in Special Case (ACB) No.2/2017 arising out of C.R.No.08/2016 dated 17/04/2016 registered with Palghar Police Station, Virar on furnishing P.R. bond of Rs.1,00,000/- with one or two sureties in the like amount.

The Applicant is granted two weeks time to furnish surety. Till then, the Applicant be released on bail on his executing a P.R. Bond in the sum of Rs.1,00,000/- and depositing a sum of Rs.1,00,000/- in lieu of furnishing the surety bond.

At the end of said period of two weeks, the

Applicant shall furnish surety. On furnishing such surety, the amount of Rs.1,00,000/- deposited by the Applicant shall be returned.

(c) The Applicant shall regularly attend before the trial Court and co-operate for hearing and disposal of the said cases as will be required by the trial Court.

(d) The Applicant shall not contact and influence the prosecution witnesses in any manner and shall not tamper with prosecution evidence.

(e) The Applicant shall furnish his permanent address and temporary address, if any, and his contact details to the prosecution and the trial Court concerned.

(f) The Applicant shall not change his said address without prior intimation to the trial Court concerned.

(g) If the Applicant disobeyed any of the above conditions, the prosecution is at liberty to move the Court for cancellation of bail.

8) With the above observations, the Bail Application is disposed of.

(SHYAM C. CHANDAK, J.)

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