



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL 422 OF 2023

Monu @ Naushad Shaikh Vs State Of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.K. Sorde, counsel for the applicant/appellant

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/01/2025.

1. Not on board. Taken on board.
2. The appeal is produced before the court by executing the non-bailable warrant. He is taken into the judicial custody.
3. Learned counsel for the appellant seeks some time to file an application for delay.
4. Place the matter today at 2.30 p.m.

[URMILA JOSHI-PHALKE, J.]

Later on

CRIMINAL APPLICATION (APPA) NO. 28 OF 2025

1. By executing the non-bailable warrant, the presence of the present applicant is secured before this Court, and therefore, the application is filed for the grant of bail.

2. Heard learned counsel for the applicant, who submitted that as the applicant is serving as truck driver, and therefore, he could not appear before this court, and therefore, the warrant is issued.

3. Learned APP strongly opposed the said application and submitted that if the applicant is again released on bail, then again he would not be available for disposal of the appeal. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the record, it reveals that not only the applicant but his counsel has also not attended the proceedings, and therefore, the non-bailable warrant was issued against the applicant. The appeal is already fixed for final disposal of the matter. Considering the submission made by learned counsel for the applicant, the prayer of the applicant deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant - ***Monu @ Naushad Shaikh***, shall be released on bail, in connection with Crime No.235/2018 for the offence punishable under section 235(2) of the Cr.PC; and Section 354-D of IPC; and Section 12 of the Protection of Children from Sexual Offences Act, 2012, on executing P. R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned Police Station Kanhan, District Nagpur once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and the Police Station Officer shall record his presence.
- d] The applicant shall attend the proceedings before this Court along with his counsel to dispose of the said appeal at the earliest.

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1. Stand over on 30/01/2025.

[URMILA JOSHI-PHALKE, J.]