



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

CRIMINAL APPLICATION [BA] NO. 1191 OF 2024
VIBHAV RAVISINGH THAKUR
VERSUS
STATE OF MAH., THRU. P.S.O, P.S., ANSING, DIST. WASHIM.

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

Court's or Judge's Order

Mr. K. H. Anandani with Mr. Bhavin Suchak, Advocates for the
applicant.
Mr. M. K. Pathan, A.P.P. for the non-applicant/State.

CORAM : G. A. SANAP, J.
DATE : JANUARY 07, 2025.

1. Heard Mr. K. H. Anandani, learned advocate for the applicant and Mr. M. K. Pathan, learned Additional Public Prosecutor for the non-applicant/ State. Perused the record and proceedings.
2. This is an application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (earlier U/s 439 of the Cr.P.C.) for grant of bail.
3. The applicant is arrayed as accused no.3 in Sessions Trial No. 122/2021, pending on the file of learned Sessions Judge, Washim. The applicant with other two accused is facing trial for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.
4. The applicant was granted bail in the crime. The record shows that he consistently remained absent. Learned

Sessions Judge on more than one occasion was pleased to issue non-bailable warrant against him. On one occasion, the non-bailable warrant was cancelled subject to penalty of Rs. 400/- (Rupees Four hundred only). The applicant/accused no.3 again committed a default and pursuant to the non-bailable warrant issued by the learned Sessions Judge, he was arrested. The applicant applied for bail. Learned Sessions Judge, by a well reasoned order, dated 23.10.2024, rejected his bail application. The applicant/accused no.3 has, therefore, come before this Court.

5. Learned advocate for the applicant submits that except in extraordinary situation preventing him from attending the Court, on every date, he would attend the Court. Learned advocate submits that the applicant is ready to furnish an undertaking to that effect before the learned Sessions Judge. Learned advocate submits that the applicant/accused no.3 is required to look after his old aged grand parents. He was, therefore, unable to attend the Court. It is submitted that in his absence, the grand parents are suffering great hardships. There is nobody to look after them in his absence.

6. Learned Additional Public Prosecutor submits that the applicant/accused no.3 himself has invited this situation. He cannot blame others for this state of affairs. However, learned APP submits that considering the fact

that the applicant was earlier on bail, the Court may pass an appropriate order.

7. The applicant/accused no.3 with other accused is facing trial for the offence punishable u/s 307 read with Section 34 of the IPC. He was on bail. The case was fixed for framing of the Charge. On account of repeated absence of the applicant, the matter could not proceed further. Learned Sessions Judge, as can be seen from the record, granted him sufficient opportunity to correct himself. He failed to understand the concern expressed by the Court. As far as the order passed by the learned Sessions Judge is concerned, on merits, I do not see that there is any mistake or error.

8. However, the fact remains that accused no.3 has to lookafter his old aged grand parents. In his absence there is nobody to lookafter the grand parents. Considering the nature of the offence, the applicant/accused no.3, who was found entitled to get bail on merits, in my view, deserves to be granted one chance to mend his ways. The matter is fixed for framing the Charge. In view of the above, I pass the following order :-

9. The Criminal Application is allowed.

i] Applicant – Vaibhav S/o Ravisingh Thakur be released on bail in crime No. 232/2020 (Sessions Case No.

122/2021 pending before the Sessions Judge, Washim) registered with Police Station, Ansing, Dist. Washim, for the offence punishable under Section 307 r/w Section 34 of the Indian Penal Code, on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

ii] Rest of the bail conditions imposed by the Sessions Court shall remain as it is.

iii] The applicant/accused no.3 shall regularly attend the Court on every date. He shall file an undertaking to that effect before the learned Sessions Judge.

iv] It is made clear that the application of the applicant for exemption shall not be entertained unless and until extreme urgency or case is made out on the basis of the supporting documents.

v] If the applicant fails to attend the Court without a reasonable cause, then his bail shall be cancelled forthwith and he be taken in custody.

vi] With these directions, the application stands disposed of.

(G. A. SANAP, J.)