IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1847 OF 2026

PANYA ALIAS SWAPNIL GAUTAM KAMBLE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Rahul Pandhari Cheble, Advocate for Applicant
Mr. S. A. Gaikwad, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 29th OCTOBER, 2026

PER COURT :

1. Heard learned Advocate for the applicant and learned APP for the respondent – State.

2. The present application seeking regular bail of the applicant in connection with Crime No. 584 of 2023, registered with MIDC Police Station, Latur, District Latur, for the offences punishable under sections 307, 506 and 109 read with Section 34 of IPC.

3. The applicant was initially arrested in connection with the said offence and was released on bail on 20th October 2023. The applicant at the time of release on bail had furnished surety. However, the record indicates that the applicant failed to appear

before Learned Trial Court at the time of trial. The Trial Court was thus constrained to issue a non-bailable warrant against the present applicant, which came to be executed and the applicant was again arrested and taken into custody on 4th June, 2026. Since then, the applicant is in judicial custody. The applicant preferred an application seeking bail and cancellation of NBW warrant, in which he explained that he is a daily wage laborer, and therefore, for the purpose of his labor work, he had to move from one district to another. As he was out of the limits and jurisdiction of Latur, he was unable to attend the Court dates.

4. Learned Advocate appearing for the applicant also submits that the applicant has learned his lessons for not attending the Court dates regularly. He submits that in addition to the present application, he has filed an undertaking in this Court dated 19th October, 2026, in which the applicant undertakes to attend each and every date of hearing of the Sessions Case No. 138 of 2023 pending before Learned Additional Sessions Judge, Latur. Learned Advocate also submits that the applicant is ready and willing to abide by any condition that will be imposed upon the applicant at the time of his release.

5. Learned APP however opposes the application on the

ground that the offences alleged against the applicant are serious. The applicant has intentionally remained absent with an intention of prolonging the matter. He came to be arrested in execution of NBW as he was absent for more than two years. Learned APP submits that, on instructions, the prosecution is willing to conduct the trial on a day-to-day basis. Learned APP also submits that the present applicant is a serious offender against whom in all 16 offences are registered. Out of the said 16 offences, 04 offences have been registered against the applicant after the applicant was released on bail in the present offence. He thus submits that taking into consideration the criminal antecedents and the habitual nature of the applicant to remain absent from the trial proceedings, the application need not be considered and it be rejected.

6. I have taken into consideration the submissions advanced by learned Advocate for the applicant as well as learned APP for the State. The submission of learned APP that the applicant is a hardened criminal and there are serious criminal antecedents against him is demonstrated by the list of cases produced before me. However, the list shows that in all the cases, the applicant is released on bail. The submission pertaining to the applicant's conduct of committing four different offences after he

has been released on regular bail also deserves to be taken into consideration. No doubt, the conduct of the applicant is serious and demonstrates that he is a hardened criminal with serious criminal activity. The conduct of the applicant to remain absent from the court dates also shows that the applicant has no fear of law or any respect towards the court's proceedings. In spite of all this, the fact remains that the applicant was released on regular bail as far as merits of the matter is concerned, and only for securing presence of the applicant at the time of trial, the NBW was issued which came to be executed. In pursuance of execution of that NBW, the present applicant is taken in custody. Thus, the question that requires answer is whether the presence of the applicant can be secured before the Trial Court during the pendency of the trial. The undertaking filed by the applicant shows that he is ready and willing to appear before the Trial Court on each and every date without any default. Even learned Advocate for the applicant orally submits that the applicant has learned his lessons and henceforth there will be no default on his part, save and except on any *bona fide* reason for which the exemption, only if granted by the Trial Court, will be taken. The submissions and the undertaking require that the applicant can be given one chance. The undertaking and assurance given by the applicant is taken on record. Any breach of the said undertaking and assurance will amount to cancel the

present bail of the present applicant. The Trial Court, while accepting surety of the applicant, will ensure that the applicant will attend each and every date before the Trial Court. I am inclined to allow the application on the aforesaid circumstances and reasons. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant, Panya Alias Swapnil Gautam Kamble, shall be released on bail in Crime No. 584 of 2023, registered with MIDC Police Station, Latur, District Latur, for the offences punishable under sections 307, 506 and 109 read with Section 34 of IPC, on furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent surety in the like amount, subject to the following conditions :

a) The applicant shall attend the Investigating Officer of C.R. No. 584 of 2023, registered with MIDC Police Station, Latur, on every alternate day between 11.00 a.m. and 2.00 p.m. for a period of six months. The applicant shall thereafter attend the Trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile numbers to the Investigating Officer and the Trial Court within seven days of release, intimate any change forthwith.

d) The applicant shall not involve himself in any offence of a similar nature while on bail.

e) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale