IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CRIMINAL WRIT PETITION NO. 1481 OF 2026

Sachin Dnyanoba Murkute
VERSUS
The State Of Maharashtra
...
Mr. J. M. Murkute, Advocate for the Petitioner
Mr. K. K. Naik, APP for the Respondent-State

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 8th October, 2026

PER COURT :-

1. Heard learned Advocate for the petitioner and the learned APP for the State.

2. The present writ petition challenges the order dated 19.09.2026 passed below Exh.55 by the learned Additional Sessions Judge, Gangaked in Sessions Case No.74 of 2019 and also the order dated 24.11.2025 of issuance of Non Bailable Warrant against the present petitioner.

3. The learned Advocate for the petitioner submits that the present petitioner came to be released on bail in connection with Crime No. 238 of 2024 registered on 04.09.2014 with the Gangakhed Police Station, District Parbhani for the offences punishable under sections 353, 504, 506 read with section 34 of the Indian Penal Code. The said crime has been culminated into Sessions Case No. 74 of 2019 and it is pending on the file of learned Additional Sessions Judge, Gangakhed.

4. The learned Advocate for the Petitioner submits that from the date of granting of bail till issuance of Non Bailable Warrant, the petitioner had attended the dates before the Court and the dates on which he remained absent, he has preferred exemption application, in which the exemptions were granted. Without getting into merits of the matter, he submits that the petitioner is ready and willing to give undertaking to this Court that he will attend each and every date before the Sessions Court henceforth, without seeking any exemption.

5. The learned APP, however, submits that the sessions case is pending since 2014 and the petitioner has remained absent. The proceedings could not be continued further and hence, the Court has rightly issued the Non Bailable Warrant against the present petitioner.

6. The very fact that the proceedings are pending since 2014 and till date the charges have also not been framed in the matter is a matter which requires serious consideration. The learned Sessions Court, therefore, required to take up this matter on expeditious basis. The submission made by the learned Advocate for the petitioner that the petitioner is ready and willing to attend the trial on each and every date without seeking any exemption needs to be appreciated, for the reason that the presence of the petitioner/accused after release on bail is necessary to ensure that the trial proceeds day-to-day and without any adjournment, save and except for any bona fide reason that the Trial Court may find to be justified. The case which is pending since 2014 requires to be dealt with expeditiously in presence of the present

petitioner who is accused.

7. Taking into consideration the voluntary statement made by the learned Advocate for the petitioner, I am inclined to allow the present writ petition. Hence the following order:

O R D E R

(i) Order dated 19.09.2026 passed below Exh.55 by the learned Additional Sessions Judge, Gangaked in Sessions Case No.74 of 2019 and also the order dated 24.11.2025 of issuance of Non Bailable Warrant against the present petitioner are quashed and set aside.

(ii) The petitioner is directed to appear before the learned Additional Sessions Judge, Gangakhed in Sessions Case No. 74 of 2019 on 12.10.2026 at 11. am. and file a fresh application for cancellation of Non Bailable Warrant against him. If the such application is tendered, the learned Additional Sessions Judge, Gangakhed shall allow the said application by accepting an undertaking of the petitioner stating therein that he will appear before the learned Additional Sessions Judge, Gangakhed on each and every date without seeking any exemption, with any other conditions which the learned Additional Sessions Judge think appropriate to be imposed upon the petitioner.

(iii) In the light of above the above, the criminal writ petition stands disposed of.

(HITEN S. VENEGAVKAR, J.)

JPChavan