IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1508 OF 2026

RAM BAPURAO NARVATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Vishal P. Bakal a/w Mr. Ramchandra S. Patil, Advocates for the Petitioners.
Mr. S. V. Hange, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 12th OCTOBER, 2026

PER COURT :

1. The present Writ Petition is filed by the petitioners, who are original accused persons seeking quashment of order dated 16.09.2026 passed by learned Additional Sessions Judge in Sessions Case No.19 of 2021 and other consequential reliefs as stated in the prayers on page no.13 of the petition.

2. Learned Advocate for the petitioners submits that initially the petitioners were released on bail by accepting the bail bonds. He submits that the petitioners have been attending the Court regularly. However, on 16.09.2026 the petitioners did not remain present and therefore the learned Trial Court has proceeded to cancel their bail bonds and issued non-bailable warrants against present petitioners. He submits that the learned

Trial Court ought to have given an opportunity to the petitioners to represent themselves with the reasons as to why the petitioners could not remain present on 16.09.2026. As no such opportunity was granted to the petitioners, the impugned order is violating the principles of natural justice. He refers to the copy of petition and the annexures therein and submits that petitioner No.3 is 83 years of age, while petitioner No.2, who is the wife of petitioner No.1 is illiterate and completely dependent upon the petitioner No.1. He submits that, petitioner No.1 on 16.09.2026 was suffering from fever and giddiness due to which he was under medical treatment. He relies upon the certificate issued by Rural Hospital, Ahmedpur, District Latur, dated 16.09.2026. He submits that as petitioner No.1 himself was unwell, the petitioner Nos.2 and 3 were not in a position to attend the Court on their own. He submits that the petitioners are ready and willing to abide by any conditions that will be imposed by this Court and also undertakes that they will attend each and every date before the learned Trial Court hereinafter.

3. Learned APP appearing for the respondent - state invites my attention to the Roznama dated 07.07.2023, wherein the petitioners had been absent, for which NBW was to be issued. He submits that, the petitioners are not regularly attending the

trial, but are filing exemption applications one after the other. The trial therefore is not proceeding and the petitioners are causing hindrance in completion of the trial.

4. I have perused the Roznama annexed to the petition. No doubt, there are some observations made pertaining to the conduct of the petitioners filing applications for exemption and thereafter apology applications which has been entertained by the Court on several occasions. However, the fact remains that the petitioner No.3 is 83 years of age and petitioner No.2 seems to be a lady, who is depended upon petitioner No.1 for her travel from the residence to the Court. The date in question i.e. 16.09.2026, the medical report suggests that the petitioner No.1 was suffering with fever and was under a medical treatment. In such circumstances, he was unable to appear before the Trial Court. The reason seems to be probable, supported by a medical document issued by the Rural Hospital and therefore needs to be given some weightage. As a matter of fact, the petitioners have remained absent on one single day. Their Advocate was present. Learned Trial Court is absolutely correct in holding that the absence of the present petitioners on that particular day when the evidence was to be recorded must have created some hindrance in the court's proceedings. I am of the opinion that one chance can be given to the present petitioners.

5. The impugned order therefore is quashed and set aside.

6. The petitioners shall file an undertaking before the Trial Court that they will henceforth attend the dates of the Trial Court on every occasion without seeking any exemptions, save and accept for any *bona fide* reasons.

7. The petitioners shall also remain present before the learned Trial Court on 22nd October, 2026 and file an application for cancellation of non-bailable warrant. The application if filed, shall be considered by the Trial Court sympathetically and by imposing certain conditions to secure presence of the petitioners for conclusion of the trial.

8. With the aforesaid observations, the Writ Petition stands disposed of.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale