



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.705 OF 2026

1. Arvind Laxmikant Javalgekar,
Age: 47 years, Occ. Advocate,
R/o. Plot No. 11, Gut No. 100,
Satara Area, Beed By Pass,
Aurangabad, Tq. and Dist. Aurangabad.

Applicant

Versus

1. The State of Maharashtra
Through it's Police Inspector,
Jawaharnagar Police Station,
Aurangabad City, Tq. and Dist. Aurangabad.
2. Sushant Dattatraya Giri,
Age: 41 years, Occ. Business,
R/o. Shivshankar Colony,
Tanaji Chowk, H. No. 63, Aurangabad
Tq. and Dist. Aurangabad.

Respondents.

(Resp.no.2 ori./Complainant)

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Advocate for Applicant: Mr. N.D. Sonavane
APP for Respondent State : Mr. S.D. Ghayal

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 24, 2026

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FINAL ORDER :-

1. Present application is filed with following prayer :-

“B) Quash and set aside the FIR no. 0281 of 2021 dt. 26.8.2021 registered with Jawaharnagar Police Station, Aurangabad City, Tq. and Dist. Aurangabad for the offence punishable U/sec. 419, 420, 384, 506, r/w 34 of I.P.C. and Charge-sheet No. 97 of 2021 dt. 26.10.2021 filed in R.C.C. No. 2713 of 2021 and issue process order dt. 2.2.2023 and framing of charge order dt. 9.12.2025

in R.C.C. No. 2713 of 2021 passed by Additional C.J.M. Aurangabad and further proceeding of R.C.C. No. 2713 of 2021 pending before Additional C.J.M. Aurangabad to the extent of applicant.”

2. Although, application incorporates multiple prayers, Mr. N.D. Sonwane, learned advocate appearing for applicant, on instructions, pressed into service challenge to order dated 9.12.2025 passed by the Additional Chief Judicial Magistrate, Aurangabad thereby framing charge against the applicant.

3. Mr. Sonwane, learned advocate appearing for applicant submits that applicant is one of the accused in Crime no.281 of 2021 registered with Jawahar Nagar Police Station, Aurangabad for offences punishable under sections 419, 420, 384, 506, r/w 34 of Indian Penal Code. He applied for pre-arrest bail. This Court on 22.10.2021 allowed bail application no.1076 of 2021 directing enlargement of the applicant on bail in the event of his arrest on condition that applicant shall appear before the Investigating Officer on 27th to 29th October, 2021. Accordingly, applicant appeared before Investigating Officer, however, in charge-sheet filed on 26.10.2021 applicant is shown absconding in terms of section 299 of the Criminal Procedure Code. According to Mr. Sonwane, while applicant is shown absconding, charge could not have been framed against

him, but, learned Chief Judicial Magistrate proceeded to frame charge vide order dated 9.12.2025 against the applicant/accused.

4. The certified copy of charge-sheet depicts that on 26.10.2021 when charge-sheet was presented to the Court, applicant was shown absconding. However, when pre-arrest bail was granted to him, he presented himself before Investigating Officer on 27.10.2021 as directed in the bail order. Record further indicates that initially all accused persons were absent before learned J.M.F.C. Therefore, N.B.W. was issued against them. The charge-sheet shows, subsequently endorsement that applicant is absconding, has been erased. On 9.12.2025, applicant presented himself before Additional Chief Judicial Magistrate, Aurangabad. He received copy of the charge-sheet. Charge was read over and explained to him and on his denial, charge is framed.

5. Apparently, contention of the applicant that charge has been framed while applicant was shown absconding in charge-sheet appears to be fallacious.

6. In result, Criminal Application deserves rejection being devoid of any merit and accordingly stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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