



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 1436 OF 2026

1. Gangubai Ram Jadhav
2. Arunabai Ramesh Jadhav
3. Ram Devrao Jadhav

VERSUS

The State Of Maharashtra

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- Mr. M. G. Kedar, Advocate for Applicant
- Mr. P. D. Patil, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.04.2026

PER COURT :

1. The present application is filed by the applicants challenging the order dated 23.01.2026 passed by the learned Judicial Magistrate First Class, Chakur, in R.C.C. No. 105 of 2019, whereby Non-Bailable Warrants came to be issued against the applicants in connection with Crime No. 273 of 2017 dated 09.09.2017, registered with Chakur Police Station for the offences punishable under Sections 376, 452, 341, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel for the applicants submits that applicant No.1 – Gangubai Ram Jadhav is the mother of the main accused, namely Ramesh Ram Jadhav, against whom there are allegations of forcible sexual intercourse. Applicant No.2 – Arunabai Ramesh Jadhav is the wife of the said Ramesh Jadhav, whereas applicant No.3 – Ram

Devrao Jadhav is his father. It is submitted that the present applicants are family members of the main accused and have been roped in the present crime without there being any specific or overt role attributed to them in the alleged incident.

3. It is further submitted that the applicants have been regularly attending the proceedings before the learned Trial Court on all earlier dates and have cooperated with the trial. However, on a solitary occasion, i.e., on 23.01.2026, the applicants could not remain present before the learned Trial Court, which led to issuance of the impugned Non-Bailable Warrants against them.

4. The applicants submit that their absence before the learned Trial Court on 23.01.2026 was on account of extremely grave and unavoidable circumstances. It is stated that the son of the applicants had unfortunately expired on 11.10.2025, due to which the applicants and their family members were under immense shock, grief and mental distress. Owing to such circumstances, the applicants were preoccupied with the aftermath of the said incident and were not in a proper mental or physical condition to attend the Court proceedings on the relevant date. It is, therefore, submitted that the absence of the applicants was neither intentional nor deliberate, but was due to circumstances beyond their control.

5. It is further submitted that there was no intention whatsoever on the part of the applicants to evade the process of law or to delay the proceedings before the learned Trial Court. Immediately upon learning about the issuance of the Non-Bailable Warrants, the applicants have approached this Court without any delay, thereby demonstrating their bona fides and respect towards the judicial process.

6. Learned counsel for the applicants further submits that the learned Trial Court, without first issuing bailable warrants or adopting less coercive measures, directly proceeded to issue Non-Bailable Warrants against the applicants for their absence on a single date. It is submitted that such drastic powers are required to be exercised sparingly and with due caution, particularly when the accused persons have otherwise been regularly attending the proceedings. The applicants undertake to remain present before the learned Trial Court on all future dates and to cooperate for the expeditious disposal of the trial. They further express their willingness to deposit cash surety of Rs.5,000/- each before the learned Trial Court to demonstrate their bona fides.

7. Learned APP strongly opposes the application. However, he fairly submits that the role attributed to the present applicants in the FIR is of a general nature. He submits that in the event this Court is

inclined to cancel the Non-Bailable Warrants, appropriate stringent conditions, including imposition of costs, may be imposed upon the applicants to secure their presence before the Trial Court.

8. I have carefully perused the record and proceedings. The FIR in Crime No. 273 of 2017 came to be registered at the instance of the prosecutrix against the main accused – Ramesh Jadhav and his family members, including the present applicants. The charge-sheet has been filed in the year 2019 bearing Charge-sheet No. 154 of 2019 dated 04.11.2019. The record indicates that the applicants were earlier arrested and subsequently released on regular bail. It further appears that prior to issuance of the Non-Bailable Warrants, bailable warrants were not issued by the learned Trial Court to secure their presence. The learned Trial Court appears to have directly resorted to issuance of Non-Bailable Warrants.

9. Considering the fact that the applicants were regularly attending the proceedings and that their absence on the relevant date has been sufficiently explained, coupled with their willingness to abide by conditions and to deposit cash surety, this Court is of the opinion that the impugned order warrants interference. Hence, the following order is passed :-

ORDER

A) The Criminal Application is allowed.

- B)** The Non-Bailable Warrants dated 23.01.2026 issued by the learned Judicial Magistrate First Class, Chakur, in R.C.C. No. 105 of 2019 against the present applicants are hereby quashed and set aside.
- C)** The applicants shall deposit cash surety of Rs.5,000/- (Rupees Five Thousand only) each before the learned Trial Court within a period of ten days from today.
- D)** The applicants shall remain present before the learned Trial Court on all dates of hearing and shall cooperate for the expeditious disposal of the trial. In case of inability to remain present due to genuine reasons, the applicants shall seek exemption from the Trial Court, which shall be considered on its own merits.
- E)** The applicants shall not tamper with the prosecution evidence in any manner nor shall they directly or indirectly threaten or influence the complainant or witnesses.
- 10.** The aforesaid order is subject to compliance of deposit of the aforesaid amount within the stipulated period. In the event of failure to deposit the said amount within a period of ten days from today, the learned Trial Court shall be at liberty to take appropriate steps in accordance with law.
- 11.** In view of the above, the Criminal Application is disposed of.

(MEHROZ K. PATHAN, J.)