



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 375 OF 2026

Sonu Bhaskar Borde

VERSUS

The State Of Maharashtra And Another

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- Ms. Sonawane Sunita G., Advocate for the Petitioner
- Mr. A. S. Shinde, APP for Respondent No. 1 - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.03.2026

PER COURT :

1. The petitioner has approached this Court seeking quashing and setting aside of the order dated 06.02.2026, whereby his application for release on bail, in execution of a non-bailable warrant, came to be rejected by the learned Sessions Court.

2. Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present crime and had been regularly attending the proceedings before the Trial Court. It is submitted that though a non-bailable warrant was issued earlier, the petitioner thereafter remained present before the Court and charge came to be framed on 21.07.2025. However, the petitioner could not remain present subsequently as the advocate appearing on his behalf did not inform him about the dates on which his presence was required. It is

further submitted that the petitioner was working at a poultry farm at Nimbgaon Khairi and, therefore, had no knowledge about the subsequent dates of hearing. The petitioner is stated to be a permanent resident of Shrirampur and the sole earning member of his family, working as a labourer in the poultry farm for his livelihood. It is submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. On these grounds, it is prayed that the impugned order be quashed and the petitioner be released on bail.

3. As against this, learned APP strongly opposes the petition on the ground that a writ petition challenging rejection of bail in execution of a non-bailable warrant is not maintainable. It is further submitted that the petitioner is in a habit of remaining absent before the Trial Court. It is pointed out that a non-bailable warrant was issued against the petitioner on 03.10.2022, and despite the same, he continued to remain absent. The petitioner was eventually arrested and produced before the learned Sessions Court for framing of charge, which came to be framed on 21.07.2025. Even thereafter, the petitioner again remained absent, necessitating issuance of another non-bailable warrant, in execution of which the petitioner was arrested and remanded to magisterial custody. It is submitted that if the petitioner is released on bail, there is every likelihood that he

may again remain absent, resulting in protraction of the trial. The petition is, therefore, stated to be devoid of merit.

4. I have perused the First Information Report lodged by Police Constable Sunil Dighe, wherein the petitioner is arraigned as an accused along with the main accused, Rajendra Bhalerao, for having allegedly assaulted and obstructed a public servant, i.e., the complainant, in discharge of his official duties, in furtherance of their common intention. The material on record indicates that the primary and specific allegations are directed against the main accused, Rajendra Bhalerao, whereas the present petitioner is attributed with a general role of assisting and sharing common intention with the main accused.

5. The record indicates that the charge came to be framed on 21.07.2025. The petitioner was taken into custody on 30.01.2026 and is presently in magisterial custody as the petitioner remained absent after framing of charge. The petitioner has expressed his willingness to abide by any conditions that may be imposed by this Court. The apprehensions expressed by the learned APP can be adequately addressed by imposing appropriate conditions. The petitioner is behind bars since 30.01.2026. In my view, therefore, further incarceration of the petitioner may not yield any fruitful result. Hence, the following order :

ORDER

- A) The writ petition is allowed.
 - B) The impugned order dated 06.02.2026 is quashed and set aside.
 - C) The petitioner shall be released on bail upon furnishing a cash surety of Rs. 20,000/- before the learned Trial Court in connection with FIR No. 13 of 2019, registered with Shrirampur City Police Station.
 - D) The petitioner shall attend each and every date of the trial.
 - E) The petitioner shall furnish the complete and correct address of his present residence, along with his mobile number and the contact details of two close relatives, before the Trial Court.
6. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the bail granted herein.
7. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.
8. In view of the above, the Criminal Writ Petition stands disposed of.

(MEHROZ K. PATHAN, J.)