

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2619 OF 2026

Rakesh Lekhram Vaish

...Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Mahendra Agvekar a/w Shraddha Chavan i/b Ajay Varekar, for
the Petitioner.

Ms. S. M. Yadav, APP, for the Respondent/State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 11th JUNE 2026

PC:-

1. Heard Mr. Varekar, learned Counsel appearing for the
Petitioner and Ms. Yadav, learned APP for the Respondent – State.

2. By the present Writ Petition filed under Article 227 of the
Constitution of India, the Petitioner is challenging the legality and
validity of order dated 19th September 2025 passed by learned
JMFC (MV Court), Pune by which the application bearing Exhibit
No.187 seeking issuance of proclamation against Accused No.3
vide Section 82 of the Code of Criminal Procedure has been
allowed. Petitioner is Accused No.3. As Petitioner was not
remaining present in R.C.C. No.405690 of 2011 pending in the
Court of learned JMFC (MV Court), Pune the proclamation was

issued against the Petitioner. The Petitioner has filed Affidavit-cum-Undertaking in this Court dated 09th June 2026. In the said Affidavit-cum-Undertaking it is *inter alia* stated that the Petitioner will remain present before the learned Trial Court on each and every date. The relevant paragraph Nos.5 and 6 are reproduced herein below for ready reference :-

"5. I undertake to appear before the Learned Judicial Magistrate First Class (M.V. Court), Pune, on each and every date fixed in R.C.C. No.405690/2011, without fail, and to cooperate fully with the trial proceedings.

6. That I undertake to furnish physical bail bonds and solvent sureties before the Learned Trial Court in terms of the Anticipatory Bail Order dated 03.05.2011 passed by this Hon'ble Court in ABA No.337 of 2011, immediately upon the Trial Court accepting the same or upon such directions as this Hon'ble Court may deem fit to issue."

3. As the Petitioner has undertaken to appear before learned JMFC (MV Court), Pune, on each and every date in said R.C.C. No.405690 of 2011 the impugned order dated 19th September

2025 passed by learned JMFC (MV Court), Pune below Exhibit No.187 in RCC No.405690 of 2011 is quashed and set aside.

4. The learned Trial Court to accept bail bonds and solvent sureties in accordance with law.

5. The Writ Petition is disposed of in above terms with no order as to cost.

[MADHAV J. JAMDAR, J.]