

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 296 OF 2026**

Omkar Mahadev Kudalkar	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Vikram Shinde (through V.C.) a/w Chaitanya M. Bagul, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent-State.

PSI – R. B. Khamgal, Talegaon Dabhade Police Station, present.

CORAM: N. J. JAMADAR, J.

DATE : 05th MARCH 2026

P.C.:

- 1.** Heard learned counsel for the parties.
- 2.** The challenge in this application is to an order dated 15th January 2026, whereby the Additional Sessions Judge, Vadgaon, declined to cancel the order dated 18th December 2025 of issuance of non-bailable warrant against the Applicant, notice to his surety and separation of the trial of the Applicant.
- 3.** Learned counsel for the Applicant submitted that the Applicant had been regularly appearing before the Trial Court. On 18th December 2025, an application for exemption was filed for a genuine reason, yet, the learned Additional Sessions Judge rejected the application for exemption from personal appearance, forfeited the bail bond, issued a

non-bailable warrant, notice to the Applicant's surety and separated the trial of the Applicant and Accused No.9 from rest of the accused. It was submitted that the Trial Court had not taken steps to secure the presence of the accused and straightway issued a non-bailable warrant and separated the trial.

4. The learned APP resisted the submissions on behalf the Applicant. Attention of the Court was invited to the orders passed by the Trial Court on 25th September 2024 and 8th February 2025, whereby a bailable warrant and a non-bailable warrant, respectively, were issued against the Applicant.

5. From the perusal of the impugned order, it becomes evident that since the proceedings in Sessions Case No.116 of 2022 arise out of FIR dated 30th December 2014, the case is more than 10 years old and the accused were not co-operating with the trial Court for the expeditious completion of the trial, weighed with the learned Session Judge, in passing the impugned orders. Thus, this Court is not inclined to entertain the challenge to the orders passed by the learned Additional Sessions Judge.

6. However, pursuant to the impugned order, the Applicant has been taken in custody on 15th January 2026. In view of the submissions canvassed on behalf of the Applicant that, the Applicant has been regularly appearing before the Trial Court and undertakes to regularly

appear before the Trial Court in future, this Court considers it expedient, in the interest of justice, to release the Applicant on fresh bail in the following terms:

ORDER

- i) The application stands partly allowed.
- ii) The Applicant be released on bail on furnishing a PR bond in the sum of Rs.25,000/- and one surety in the like amount.
- iii) The Applicant shall appear before the Trial Court regularly and shall not seek either adjournment or exemption from personal appearance.
- iv) In the event the Applicant is released on bail before 11th March 2026, he shall appear before the Trial Court on 11th March 2026 and, in that event, the Trial Court may consider to recall the order separating the trial of the Applicant.
- v) The Application stands disposed.

[N. J. JAMADAR, J.]