



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 58 OF 2026

IN

CRIMINAL APPEAL ST. NO. 679 OF 2026

DIPAK @ FANTYA S/O ASHOK KAWANPURE (PRESENTLY AT CENTRAL PRISON,
AMRAATI)

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. M. Daga, Advocate for applicant/appellant.
Shri H. D. Dubey, APP for non-applicant No.1.
Ms. Shreya Bhagat, Advocate for non-applicant No.2.

CORAM: Y. G. KHOBRADE, J.
DATE : 04/05/2026.

1. Heard Shri R. M. Daga, learned counsel appearing for the applicant, Shri H. D. Dubey, learned counsel appearing for non-applicant No.1 and Ms. Shreya Bhagat, learned counsel appearing for non-applicant No.2.

2. Though Advocate Shri Dhiraj Ailani, was appointed for non-applicant No.2 through High Court Legal Services Sub-Committee, Nagpur, but he remained absent. Therefore, this Court appoints Ms. Shreya Bhagat, learned counsel to defend the cause on behalf of non-applicant No.2 in place of Advocate Shri Dhiraj Ailani.

3. By the present application, the applicant is seeking condonation of delay of 40 days caused while lodging the appeal against the judgment and order dated 12/09/2025 passed in Special Case No.56/2023 by the

learned Special Judge / Additional Sessions Judge-1, Warud, Dist. Amravati, thereby rejecting the application for grant of bail in connection with Crime No.256/2023 registered with Warud Police Station, Dist. Amravati for the offence punishable under Section 302 of the Indian Penal Code.

4. Learned APP for non-applicant No.1 and learned counsel (Appointed) for non-applicant No.2 resisted the application.

5. However, considering the fact that the appellant / accused is in jail and for want of legal remedy available to him, the said delay of 40 days has been caused which appears to be justifiable, bonafide and substantive, hence the said delay is hereby condoned.

6. The application stands disposed of.

7. Office to register the criminal appeal and place the matter before the Court after Summer Vacation.

[JUDGE]