



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.455 OF 2026

Yogesh s/o Shankar Marathe

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr Rizwan Khan, Advocate, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 20.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.52 of 2017 registered with the Bhatkuli Police Station, Amravati for the offence punishable under Sections 363, 376(2)(i)(j)(l)(n), 376(d), 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

3. The mother of the victim has lodged the report on 01.04.2017 as her daughter did not return at home till night. After investigation the name of the present applicant arraigned as an accused.

4. Learned Counsel for the applicant submits that the applicant went to reside at Bhusawal for earning his bread and butter by selling biscuits and chocolate in train as he is having responsibility on his shoulder of his old aged mother and therefore, failed to attend the trial.

5. Learned APP vehemently opposed the application on the ground that due to only the present

applicant the trial is prolonged and pending. Not only that even after the proclamation, he chooses to remain absence, hence the application deserves to be rejected.

6. I have considered the rival submissions and perused the record. The applicant came to be arrested on 01.04.2017 under the said crime. The applicant has been released on bail in the year 2017 itself Admittedly, after releasing the applicant on bail, the applicant has not seen the face of the Court. Many time non-bailable warrant were issued and proclamation was also issued against the applicant and despite all these, the applicant chooses to remain absent. Any how, he was traced out on 12.11.2025 and non-bailable warrant was executed and put him behind bars. The trial is pending only due to the applicant's absence. Co-accused are regularly attending the trial, however only due to the present applicant the trial is prolonged. The application seeking bail came to be rejected by the Trial Court.

7. Considering all these facts and circumstances, I am not inclined to enlarge the applicant on bail. Hence, the application stands rejected.

(M.M. NERLIKAR, J.)