



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

CRIMINAL APPLICATION [B.A.] NO. 523 OF 2026

Lucky S/o. Laxman Malik

-- VERSUS --

State of Maharashtra

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

Court's or Judge's orders.

Mr. G.S. Gour, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 30, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.1281/2023 for the offences punishable under Sections 399, 402 and 203 of the Indian Penal Code, 1860, Sections 3/25 and 4/25 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951, registered with Police Station Pachpaoli, District Nagpur.

3. As per the First Information Report, on the intervening night of 05/12/2023 and 06/12/2023, while on patrolling duty within the jurisdiction of Pachpaoli Police Station, Nagpur, the informant police officer received a secret information that certain persons had assembled near Samata Maidan, near the railway track, with deadly weapons

with the intention of committing a serious offence. Acting upon the said information, a raid was conducted in the presence of panch witnesses, during which three accused persons were apprehended while two others fled from the spot. From the possession of the apprehended accused, a pistol, sword, spear and other incriminating articles such as rope and chilli powder were recovered and seized. It is alleged that the accused had assembled and made preparations to commit dacoity, as evident from their conversation and possession of weapons. Accordingly, F.I.R. came to be registered.

4. Initially, by order dated 18/12/2023, the applicant was granted bail by the Sessions Court, however, thereafter, he has not attended the Court, and therefore, non-bailable warrant was issued and pursuant to the non-bailable warrant, the applicant was arrested and put behind bars. The learned counsel for the applicant submits that, though, he has preferred the application for grant of bail before the trial Court, however, it was rejected by order dated 29/01/2026. He submits that the applicant be put on more stringent conditions and he is ready to abide by any conditions, and upon imposing such conditions he be released on bail, as he is already released on bail on 18/12/2023. He further submits that, he is ready to undertake that even on a single

date, if the applicant does not remain present before the trial Court his bail would be liable to be cancelled and under such circumstances the learned counsel submits that bail be granted.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, already one chance was granted to the applicant by releasing the applicant on bail on certain terms and conditions. However, after releasing the applicant on bail, the applicant remained absent before the trial Court, and therefore, the trial was hampered. He further submits that the other accused was required to file an application for separation of trial, as the applicant was not attending, and therefore, the learned A.P.P. submits that the applicant may not be released on bail, however, the trial Court be directed to expedite the trial.

6. I have considered the rival submissions. It is not in dispute that the applicant was granted bail on 18/12/2023, thereafter, the applicant did not attend the trial. It further appears from the record that a non-bailable warrant was issued and executed, and accordingly, the applicant was arrested, and thereafter, put behind bars. It further appears from the record that the applicant is behind bars since 12/12/2025. In order to give one chance to the

applicant, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Lucky S/o. Laxman Malik) be released on regular bail in connection with Crime No.1281/2023 for the offences punishable under Sections 399, 402 and 203 of the Indian Penal Code, 1860, Sections 3/25 and 4/25 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951, registered with Police Station Pachpaoli, District Nagpur, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent sureties in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend

the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vii) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN