

MHAH070002122026

**ORDER BELOW EXH-1 IN CRI. BAIL APPLICATION****NO.68/2026.****(Kiran Damu Ekhande Vs. The State of Maharashtra)**

The applicant Kiran Damu Ekhande, accused No.1 in RCC No.27/2017, pending before the Ld.J.M.F.C.(Court No.2) Akole under Section u/s 498(a), 406, 323, 504, 506 r.w 34 of IPC, has prayed for regular bail.

2] The case is triable by Magistrate. It appears, the applicant stopped attending the case dates and the Ld. Magistrate issued NBW against him. Latter a proclamation under Section 82 of Cr.PC. was issued. On 18/02/2026, the applicant appeared before the Ld. Magistrate for cancellation of NBW. The Ld. Magistrate rejected his application and took him in custody. His bail application (Exh.No.88) got rejected by the Ld. Magistrate on the same day. Hence, the applicant has preferred the bail application under consideration.

3] It has been submitted that the applicant had no intention to jump of the bail, that he had voluntarily appeared before the Ld. Magistrate for cancellation of NBW, that he is ready to attend case dates regularly hereafter etc, if admitted to bail.

4] The bail application has been resisted by the Ld.A.P.P stating that the case before the Ld. Magistrate has been held up for over past sever years due to the voluntary absence of the applicant.

5] Heard both the sides. It appears, the case was posted for hearing and the applicant stopped attending the case dates from the year 2019. The Ld. Magistrate repeatedly issued Nonailable warrants. Notice to surety was also issued. The surety could not secure presence of the applicant. Hence, he had to deposit the surety amount in the Court. **The amount of the breached P.R. bond seems to be outstanding/unpaid by the applicant.** The case has been held up for over 7 years due to the voluntary absence of the applicant. The trial Court had to issue a proclamation under Section 82 of Cr.P.C. against the applicant. Even a warrant of attachment of property appears to have been issued. It is due to these coercive actions that the applicant appeared for cancellation of NBW. Therefore, he can not seek the benefit of appearing voluntarily before the Court. He has literally played with the process of the Court. I am, therefore, not inclined to release him on bail.

Order

The bail application of Kiran Damu Ekhande stands rejected.

Date :09.03.2026
Place : Sangamner

(Vivek B. Gavhane)
Addl. Sessions Judge,
Sangamner.