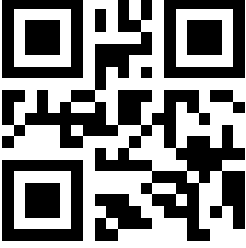


<p><u>MHKO190002482022</u></p> 	<p><u>ORDER PASSEED BELOW EXH. 17</u></p> <p><u>IN</u></p> <p><u>S.C.C No. 75 of 2022</u></p> <p><u>(Bajirao Dnyanu Patil Vs.</u></p> <p><u>Anil Pandurang Gurav)</u></p> <p><u>(Date : 23/01/2026)</u></p>
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The complainant has filed the present application for forfeiture of the surety.

2. Perusal of record shows that the accused was enlarged on bail by order dated 25/10/2023 on executing personal bond and surety bond for an amount of Rs. 25,000/- each. Since thereafter, the accused has continuously remained absent before the court. Repeated bailable as well as non-bailable warrants issued against the accused have returned unexecuted.

3. In view of the persistent absence of the accused, show-cause notice came to be issued to the surety calling upon him to either produce the accused or to show cause why the bond amount should not be forfeited. Report dated 15/07/2025 shows due service of notice. Despite service, the surety has neither remained present before the Court till date nor produced the accused, nor shown any sufficient cause.

4. It is evident from the record that the accused has failed to remain present before the Court without any justifiable reason and has thereby violated the conditions of bail. Though the bail order

does not expressly incorporate a condition directing the accused to remain present on all dates, the obligation of the accused to attend the Court is implicit and statutory. Under Section 441 of Code of Criminal Procedure (in-short Cr.P.C.), the bond executed by the accused and the surety is conditioned upon the accused attending the Court as directed. The very purpose of granting bail is to secure the presence of the accused during the proceedings. Therefore, absence of the accused without sufficient cause amounts to breach of the bail bond.

5. The conduct of the surety also clearly shows that he has failed to discharge his responsibility of ensuring the presence of the accused before the Court. Hence, in this backdrop, the bond executed by the surety is liable to be forfeited. Since the bond executed by the accused and his surety stands forfeited, the bail bond of the accused is liable to be cancelled under Section 446-A of Cr.P.C. Hence, the following order :

ORDER

1. The application (Exh. 17) is allowed.
2. The surety bond executed by surety Shri. Satish Anna Budake for an amount of Rs. 25,000/- is hereby forfeited under Section 446 of Cr.P.C.
3. The surety is directed to deposit the forfeited bond amount within 15 days from date of service of notice of this order, failing

which recovery proceedings shall be initiated against him under Section 446(2) read with Section 421 of Cr.P.C.

4. The bail bond of the accused stands cancelled under Section 446-A of Cr.P.C.

5. Issue Non-Bailable Warrant against the accused to secure his presence before the Court.

6. Issue notice to surety to deposit the amount along with copy of this order.

Radhanagari

Date :- 23/01/2026

Sd/-

(N. P. Kakade)

Judicial Magistrate

First Class, Radhanagari