

MHPU250019572023



ORDER BELOW EXHIBIT NO. 51
PASSED ON 28/01/2026

01. Through this application, the accused's lawyers have prayed the Court to cancel the non-bailable warrant issued against the accused in his absence. The accused states that a non-bailable warrant was issued against him on August 6, 2025. He had filed a revision application against this order before the Hon'ble Additional District and Sessions Court, Junnar, but that revision application was rejected. A non-bailable warrant can be cancelled even in the absence of the accused. The accused has obtained anticipatory bail in this case. At that time, the Court did not impose any restrictions on the accused regarding traveling abroad. Similarly, no such restrictions were imposed on the accused even when he fulfilled the bail conditions in this court. The accused has gone abroad for his company's training. If the warrant against the accused is cancelled, he will not cause any delay in the trial.

02. Section 70 of the Code of Criminal Procedure is as follows:

70. Form of warrant of arrest and duration.—(1) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer of such Court and shall bear the seal of the Court.

(2) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

03. The above provision does not specify a particular procedure for canceling a warrant. It does not require the accused to be present in person to file an application for cancellation of the warrant. However, this provision is a discretionary power of the Court. While exercising this discretionary power, it is important to consider the conduct of the accused. In this case, accused Nos. 1 to 5 had filed an exemption application on 06/08/2025. In it, they stated that accused Nos. 1 and 3 were suffering from ill health due to mental shock, and that accused Nos. 2, 4, and 5 could not be present because they were responsible for the care of accused Nos. 1 and 3. The application did not mention anywhere that accused No. 5 went abroad for training and therefore he is unable to be present. Subsequently, the assistant public prosecutor pointed out that accused No. 5 had gone abroad. This means that the accused deliberately concealed the fact that he had gone abroad, mentioned a false reason of his absence, and attempted to mislead the Court to obtain an exemption. Therefore, the accused's exemption application was rejected, and a non-bailable warrant was issued against him.

04. When accepting bail for an accused person who has been granted anticipatory bail, the lower court accepts the bail only in accordance with the order of the Hon'ble Sessions Court. No separate conditions can be imposed on the accused while accepting the bail. However, it is the legal responsibility of the accused to inform the emigration office that a criminal case has been filed against him when he is traveling abroad. It is also the responsibility of the accused to obtain permission from, or at least inform, the court where the criminal case is pending. Overall, the accused does not

appear to be very serious about the case against him.

05. Advocate Mr. R. M. Kolhe, on behalf of the accused, argued that it would be acceptable even if the present application is rejected, but the court should pass an order. Now, the important point is, if the accused is willing to accept the rejection of his application, then why did he file the present application. So, it is clear that the application is filed merely as a formality. Considering the misleading conduct of the accused towards the court and his overall behavior, the accused is not entitled to the Court's discretion. Therefore, the following order is being passed.

ORDER

. The application is rejected.

Junnar

Date: 28.01.2026

(Anant Himmatrao Bajad)

Judicial Magistrate First Class

Junnar