

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY, BENCH AT
AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1911 Of 2015.

HARISH S/O RAJU RATHOD.
VERSUS
THE STATE Of MAHARASHTRA

Appearance :-

Mr. Patel Shaikh Ashpak Taher, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 27th APRIL, 2015.

PER COURT :-

Heard Mr. Patel Shaikh Ashpak Taher, learned counsel for the Applicant.

[2] By the present application, the applicant prays to quash and set aside the order dated 6th February, 2014 passed by the learned Additional Sessions Judge, Jalgaon, District – Jalgaon in Criminal M.A.No.176 Of 2013.

[3] The learned Additional Sessions Judge, Jalgaon, District – Jalgaon granted bail in favour of present applicant in Cri.M.A.No. 299/13 in respect of CR No.51/2013 registered with Zilla Peth Police Station, Jalgaon, District – Jalgaon for the offences punishable under Section/s 420, 465, 468 and 471 of the Indian Penal Code by imposing certain conditions.

[4] The conditions which were imposed upon the applicant were violated by the present applicant, therefore, application for cancellation of bail was

moved before the learned Additional Sessions Judge, Jalgaon, District – Jalgaon, which was registered as Criminal Misc.Application No.176 Of 2013.

[5] The learned Additional Sessions Judge, Jalgaon vide his order dated 6th February, 2014 allowed Criminal Misc.Application No.176 Of 2013 and cancelled the bail granted in favour of the applicant in Cri.M.A.No. 299/13. This order is under challenge in the present proceedings filed under Section.s. 439 and 437 of the Code of Criminal Procedure. Thus present proceedings are not maintainable hence are liable to be rejected.

[6] It was expected from the police machinery to arrest the applicant, immediately after passing of order dated 6th February, 2014.

[7] It is informed to this court by the learned counsel for the applicant that, the applicant is a Builder. Thus, he appears to be an influential person. It appears that inspite of cancellation of bail by the learned Additional Sessions Judge, Jalgaon, till today the police machinery has not taken any steps to effect the arrest of present applicant. In that view of the matter, following order is passed.

ORDER.

(i) Criminal Application is dismissed, as not maintainable.

(ii) The Superintendent of Police, Jalgaon, District – Jalgaon is hereby directed to take immediate steps for arresting the present Applicant - HARISH S/O RAJU RATHOD.

(iii) He is further directed to enquire and to take necessary steps as to why the concerned Investigating Officer or Incharge of Police Station has not taken steps to arrest the applicant;

inspite of order dated 6th February, 2014 passed by the learned Additional Sessions Judge, Jalgaon in Criminal Misc. Application No.176 Of 2013, whereby bail granted in favour of present applicant in Cri.M.A.No. 299/13 was cancelled.

(iv) The Superintendent of Police, Jalgaon, District – Jalgaon is hereby directed to submit his report before this court, within four weeks.

(V.M. DESHPANDE, J.)