

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2136 OF 2013

Yuvraj Dhondu Suryawanshi & Anr. APPLICANTS

V E R S U S

The State of Maharashtra & Ors. RESPONDENTS

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Mr. A.R.Sayyed, Advocate for Applicants.

Mr. A.V.Deshmukh, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 8th APRIL, 2015

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PER COURT :

1. By the application u/s 439 (2) of the Code of Criminal Procedure, present applicants want to cancel the regular bail granted in favour of respondent Nos. 2 and 3 by the learned Additional Sessions Judge, Jalgaon on 02/02/2009.

2. According to the learned Counsel for the applicants, the bail granted in favour of respondent Nos. 2 and 3 needs to be cancelled because respondent Nos. 2 and 3 have violated the condition nos. 2 and 3 on which regular bail was

granted by the Court below. If the applicants are of the view that the conditions by which the learned Judge of the Court below has granted regular bail in favour of the respondent Nos. 2 and 3 in the year 2009, have violated the said conditions, he has to move the learned Court below which has granted bail to point out that respondent Nos. 2 and 3 have breached the conditions.

3. Learned counsel further submitted before this Court that certain undertaking was given to deposit the amount. This Court has not granted bail in favour of respondent Nos. 2 and 3. Therefore, if there is breach of any undertaking, the applicants have to take other proceedings. However, it is not permissible for the present applicants to seek cancellation on the said ground.

4. In that view of the matter, present Criminal Application is dismissed. The applicants will be at liberty to take appropriate steps as are advisable to them in law.

[V.M.DESHPANDE, J.]