

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6587 OF 2014

The State of Maharashtra **....Applicant.**

Versus

Vijay @ Bhurya s/o. Kalu Patil **....Respondent.**

Mr. M.M. Nerlikar, Advocate for applicant.

Mr. S.S. Jadhav, Advocate for respondent.

CORAM : T.V. NALAWADE, J.
DATED : 24th February, 2015.

ORDER :

1. The application is filed under section 439 (2) of Criminal Procedure Code for cancellation of bail granted to respondent by this Court in Criminal Application No. 1895/2014 dated 3.5.2014. By this order, this Court had granted bail in crime registered for offences punishable under sections 302, 341, 34 etc. of Indian Penal Code. Both the sides are heard.

2. The incident took place on 18.7.2013 after 3.00 p.m. and it was witnessed by complainant and other witnesses. There are allegations that present applicant used weapon like iron bar and assaulted the deceased Sandeep, who was cousin of the complainant. Due to the injuries caused by the present applicant and his associates, Sandeep died on the same day. This Court

had considered the P.M. report and considering the nature of injuries, even after that Court had granted relief. However, while granting the relief, this Court had imposed condition against respondent that he should visit Chalisgaon Police Station on 1st and 15th day of each month initially for a period of six months and thereafter, on 15th day of each month till the conclusion of the trial. It can be said that such order was made in view of the nature of dispute which was there between the two sides.

3. Present application is made on the ground that respondent did not comply the aforesaid condition. The learned APP produced report given by the Investigating Officer on the basis of which present proceeding came to be filed. It is informed that since the date of bail order, respondent never turned up for marking his attendance in the police station.

4. In view of the aforesaid circumstances, by the order dated 17.2.2015 this Court had asked the learned counsel for respondent to produce record of attendance. Last chance was given to the learned counsel. Today, learned counsel for respondent submitted that the respondent has informed that he did not maintained such record. The learned counsel made a

statement that it is not possible that the respondent did not attend police station even on a single day and to that extent, the information given by the Investigating Officer is not correct.

5. When bail is granted in the offence of murder and some conditions are imposed, it is necessary for the accused, getting the discretionary relief, to comply the conditions strictly. As the condition was not complied, this Court holds that bail granted in favour of the respondent needs to be cancelled.

6. In the result, the application is allowed. The bail granted in favour of respondent is hereby cancelled. He is to be arrested and committed to custody forthwith.

[T.V. NALAWADE, J.]

ssc/