

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

CRIMINAL APPLICATION NO. 6820 OF 2014..

RAMCHANDRA S/O MADHAVRAO CHIGLE & ORS.

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Biradar R.D., Advocate for the Applicants.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

Mr. M.C. Swamy, Advocate for Non-Applicant No.3.

CORAM : V.M. Deshpande, J.

DATE : 14th July, 2015.

Per Court :-

This is an application under Section 439(2) of the Code of Criminal Procedure for cancellation of bail.

[2] Heard Mr. Biradar, learned counsel for the Applicants and Mr. Swamy, learned counsel for Non-Applicant No.3.

[3] According to the learned counsel for the Applicants, Non-Applicant Nos. 2 and 3 has committed the breach of order dated 14th February, 2014 passed by this court in Criminal Application No.749 Of 2014. (Coram : T.V. Nalawade, J.). He invited my attention to paragraph No.4 of the said order, which is reproduced herein-under :-

“In the result, the application is allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs.25,000/- (Rupees twenty five thousand) by each of them with one solvent surety of like amount. They are not to tamper with the prosecution witnesses. They are not to commit similar offence.”

[4] This court on 14/02/14 granted bail in favour of Non-Applicant Nos. 2 and 3 in the said Criminal Application. At that time, Non-Applicant Nos. 2 and 3 were facing the charge for the offence punishable under Section 395 of the Indian Penal Code.

[5] It is not the case of the Applicants that Non-Applicant Nos.2 and 3 are tampering with the prosecution case. Learned counsel for the Applicants submits that after they were released on bail, Non-Applicant Nos. 2 and 3 have committed another offence for the offence punishable under Section/s 306 read with 34 of the Indian Penal Code and, therefore, present Non-Applicant Nos. 2 and 3 have committed the breach of order passed by this court.

[6] Submission made by the learned counsel for the Applicants is misconceived. Condition which was imposed upon Non-Applicant Nos. 2 and 3 by this court at the time of releasing them on bail is “not to commit similar offence”. It is not case of the Applicants that Non-Applicant Nos. 2 and 3 are tampering with the prosecution case. Further new offences are not similar offences. Hence, there is no breach of condition imposed upon Non-Applicant Nos. 2 and 3. Hence, I proceed to pass the following order :-

ORDER

Criminal Application is rejected.

(V.M. DESHPANDE, J.)