

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.215 OF 2014

Ambadas Eknath Jadhav

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Samir A. Kumbhakoni for the Applicant.

Ms G.P. Mulekar, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd DECEMBER, 2015.

P. C. :

This is an application for cancellation of bail granted vide order dated 13.1.2014.

2. The learned counsel for the Applicant has submitted that the Respondent Nos.2 and 3 have violated the conditions of the bail order and have further committed separate offences for which reasons the complaint has already been lodged by the Applicant herein.

3. I have perused the records, particularly the order dated 13.1.2014 and considered the submissions advanced by the learned

counsel for the Applicant. Perusal of the order dated 13.1.2014 reveals that there is a family dispute between brothers and uncles regarding the will of the deceased Eknath Balbhim Jadhav. The Respondent Nos.2 and 3, against whom crime was registered alleged to have forged the will of deceased Eknath Jadhav. It is also to be noted that the civil dispute between the parties is pending before the District Court, Solapur. Considering the nature of the offence and also considering the nature of the submissions, this Court by order dated 13.1.2014 had confirmed the interim bail granted vide order dated 23.12.2013 to the Respondent Nos.2 and 3 on condition that in the event of arrest, they would each furnish P.R. Bonds of Rs.15,000/- with one or two sureties in the like amount and further to report to the concerned police station on every Monday between 6.00 p.m. to 8.00 p.m. till filing of charge sheet.

4. The investigating agency has not come forward with any application as regards non compliance of condition No.(ii) i.e. reporting to the concerned police station on every Monday between 6.00 p.m. to 8.00 p.m. Hence, there is no material on record to indicate that the Respondent Nos.2 and 3 herein have violated the terms and conditions of the bail order dated 13.1.2014. Mere filing of

complaint after the release of the bail order, particularly when the dispute between them is already pending, would not per se be a ground for cancellation of bail.

4. Under the circumstances, the application has no merits and is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)