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IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 218 OF 2015

Mr. Rahul Ramchandra Satamkar ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rahul Kulkarni along with Mr. D.B. Sonawane for the applicant.

Smt. A.A. Mane, A.P.P. for the State.

CORAM : M.L. TAHALIYANI, J.

DATED : MAY 06, 2015

P.C.

Admit. Heard finally.

2. The applicant was accused of the offence punishable under section 354A of Indian Penal Code and was produced before the Special Court, Raigad for the first time on 20th January, 2015. Learned Judge of Special Court rejected the prayer for police custody and granted bail to the applicant. Thereafter during the course of investigation, it was revealed that the applicant had also allegedly committed offence punishable under section 376(2) of the Indian Penal Code. Therefore, prosecution moved the learned Judge for cancellation of bail. After hearing both the sides, order of bail earlier granted by the Judge came to be cancelled. The learned Judge by the same order directed police custody of the applicant for seven days.

3. I have gone through the impugned order and in my opinion, the order of police custody should not have been passed without production of the applicant. The learned Judge was under obligation to hear the applicant before deciding whether he should be remanded to police custody or otherwise. As far as cancellation of bail is concerned, I do not find any fault with the learned Judge and the said order needs to be maintained.

4. The order of the Judge cancelling the bail of the applicant is maintained. The order directing police custody of the applicant is set aside.

5. The applicant shall surrender before the learned Special Judge. The learned Special Judge thereafter shall decide as to whether the applicant should be sent to police custody or magisterial custody. It is needless to say that the applicant is at liberty to make fresh application for grant of bail also. Application stands disposed of.

(JUDGE)