

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
APPLICATION NO. 322 of 2014

The State	... Applicant
(D.c.B. C.I.D., Unit II, Mumbai	
Vs.	
Paresh Hansmukhlal Thakkar	... Respondent

Mrs. G.P Mulekar, APP, for the Applicant-State.
Mr. Yashodhan P. Bavkar for the Respondent.

CORAM: P.D. KODE, J.

DATED: JANUARY 23, 2015.

PC:

1. By this application the prosecution seeks cancellation of pre-arrest bail granted to the Applicant vide order dated 4.9.2012. It is contended that by said order the Applicant was directed to attend I.O. as and when called. It is submitted that out of five occasions the Applicant failed to attend on three occasions. It is submitted that hence the State had moved the Court of Sessions for cancellation of the bail. However, the same being rejected by the Court of Sessions the State has approached this Court.

2. At the hearing of this application learned counsel Mr. Yashodhan P. Bavkar appears, waiving service of notice for the Respondent and submitted that the Respondent is ready to attend the I.O.

3. On query, learned APP submitted that the investigation is still in progress. It is difficult to perceive that there would be any rational reason for not submitting the charge-sheet for the offences which are registered way back in the year 2011. At any rate, even assuming that there exists any rational reason, still it is difficult to perceive that merely on account of non-attendance of the Applicant his bail would be liable to be cancelled. It is true that this Court and Court of Sessions are empowered to cancel the bail for breach of conditions. The legal position appears to be that the drastic remedy of cancellation of bail is to be resorted to only in the event of such breaches being willful and additionally the same having resulted in prolonging the investigation. Perusal of the application does not reveal that any such sort of case has been made out.

4. Resultantly, there being no merit in the application, the application stands rejected.

(P.D. KODE, J.)