

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2427 OF 2014

Yuvraj Sadhu Jori .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Satyavrat Joshi for the Applicant.

Mr. P.P. Shinde, A.P.P. for the State/Respondent.

CORAM :- SMT. SADHANA S. JADHAV, J.

DATED :- 3rd MARCH 2015.

P.C. :-

The learned Counsel for the applicant submits that during the pendency of this application, the applicant had approached the Court of Magistrate and has been enlarged on bail under Section 437 of Cr.P.C. by 22nd Judicial Magistrate, First Class, Pune, vide order dated 29th November 2014. Today this Court has perused the certified copy of the application alongwith order passed by learned Judicial Magistrate, First Class. It is a matter of record that in the said application it had not been contended before the learned Judicial Magistrate, First Class, that the application filed by the present applicant is pending before this Court. In fact the application before the learned Magistrate was filed on 28th November 2014 whereas the application was filed in this Court on 14th November 2014. Learned A.P.P. submits that this Court shall take a judicial note of the fact that

the applicant has mislead the Judicial Magistrate, First Class, and that there had been a submission of facts. Learned A.P.P. submits that as on today, she has no instructions whether the prosecution desires to file an application under section 439 to seeking cancellation of the bail granted in favour of the applicant by the learned Judicial Magistrate, First Class. It is a matter of record that there has been suppression of facts. It would be the discretion of the prosecution to challenge the order passed by learned Judicial Magistrate, First Class. In view of this, the present application needs to be disposed of as the prayers in the application has become infructuous. Application stands dismissed as infructuous. The certified copy of the application along with order is taken on record and marked as article 'X' for the purpose of identification.

(SMT. SADHANA S. JADHAV, J.)