

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 4422 OF 2015

Rajansheth @ Ishwarsingh Ambaprasad
Bassa and Anr.

... Petitioners.

V/s.

The State of Maharashtra

... Respondent.

Mr. Parag Prabhakar Pokale, Advocate for the Petitioners.

Mr. S. H. Yadav, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 14th DECEMBER, 2015.

P.C. :

1 Heard. Perused the order passed by the learned Magistrate, refusing to allow release of the petitioners-applicants accused on bail. The situation that arose in this case is really unfortunate for the applicants-accused, who were arrested in a criminal case for the offence punishable under sections 420, 120(B) read with section 34 of the Indian Penal Code. The police did not file chargesheet within 60 days, as required under section 167 of the Criminal Procedure Code and, therefore, the learned Magistrate granted them bail but the applicants-accused did not avail this bail because of non-availability of the sureties etc.. In the meantime, chargesheet was filed. It is, thereafter, the applicants-accused tried to

utilize the earlier order, granting them bail. Unfortunately, it was too late as the order, granting them bail passed earlier, came to an end because of failure of the applicants to avail such bail, which was granted to them. The law on the subject is now quite settled that if the order of 'bail by default' is not utilized, its effect would come to an end when the charge-sheet is filed.

2 In view of the above, this petition stands dismissed.

(A.V. NIRGUDE, J.)

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