

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.498 of 2011
(Harilal Pralhad Chavhan V/s State of Maharashtra, thr PS0 PS
Sewagram, Dist-Wardha)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

[Ms S. Maniyar, Adv. for applicant.
Mrs. K.S. Joshi, APP for respondent.]

CORAM : A.B. CHAUDHARI, J.

DATED : 09.06.2015.

Heard the learned Counsel for the
rival parties.

This application has been filed
by the applicant to challenge the
order dated 09-09-2011 in Crime No.104
of 2011 by which the Additional
Sessions Judge, Wardha had cancelled the
bail granted to the applicant for the
offences punishable under Sections 395,
420 read with Section 34 of the Indian
Penal Code. The said order of
cancellation of bail was immediately
challenged before this Court by filing
this application and this Court on
15-09-2011 granted stay of that
order. As a result of which, the
applicant continued to enjoy the

facility of bail. I have perused the impugned order passed by the learned Additional Sessions Judge. Upon perusal of the order it is clear that the applicant had adopted parallel remedy of filing of application for bail in the High Court as well the Sessions Court without disclosing the pendency thereof before the High Court and that is the only reason given by the Additional Sessions Judge for cancelling the bail. In my opinion, the reason appears to be correct but then that need not have resulted into the cancellation of bail merely because the applicant had misled the Court. At any rate, what I find is that the order of cancellation of bail is dated 09-09-2011 and at such a belated stage, it found serve no purpose in depriving the appellant to be on bail. But then the conduct of the applicant in misleading the Court cannot be allowed to go unpunished and hence I think it necessary to award the costs of Rs.5000/- which shall be paid by applicant with the Collector, Wardha. That being so, I make the following

order :-

o r d e r

A] Criminal Application (APL) No.498 of 2011 is disposed of.

B] The impugned order of cancellation of bail dated 09-09-2011 is set aside due to efflux of time.

C] The applicant shall pay the costs in the sum of Rs.5000/- to the Collector, Wardha, within a period of four months from today.

D] In case of non-payment of costs, the order of cancellation of bail shall stand revived and the applicant shall be arrested and sent to jail.

Criminal Application (APPP) No.886 of 2011

As the Criminal Application (APL) No.498 of 2011 is disposed of, this application has become infructuous. Hence, Criminal Application (APPP) No. 886 of 2011 is disposed of as

infructuous.

Deshmukh

JUDGE