

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION NO.92/2014**

**(The State of Maharashtra, through PSO P. S. Saleksa ..vs.. Jagesh @ Shankar  
s/o Rainu Watt, r/o Mandola, P. s. Mardapal, TQ. Kodagaon, Dist. Bastar**

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

Court's or Judge's orders.

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Mr. S. S. Doifode, A.P.P. for applicant.  
Mr. H. P. lingayat, Advocate for non applicant.

**CORAM : A. B. CHAUDHARI, J.**  
**DATE : NOVEMBER 24, 2015.**

This is an application for cancellation of bail granted to non applicnat-Jagesh by Additional Sessions Judge, Gondia in Crime No.24/2012 registered with Police Station, Saleksa for the offence punishable under Sections 120-B of IPC and Sections 18, 19, and 20 of the Unlawful Activities (Prevention) Act, 1967.

Perused the police papers with the assistance of learned A.P.P. Perused the impugned order granting bail to the non applicant-Jagesh and in particular paragraph 4 thereof. The only allegation against the non applicant is about finding of literature relating to the naxal activities but then the police papers show that the seizure was made from the house of Dilip Nagpure and there is no connecting evidence with the non applicant. The next evidence is about the non applicant having allegedly taken a room in the village for spreading the activities but then the landlord Mahesh,

whose statement is recorded, does not show any remote identification of the non applicant-Jagesh as the person who took the room on rent. I have verified the investigation papers to be sure about the reasons given by the Additional Sessions Judge as true and I find that except the above evidence, there is nothing against the non applicant-Jagesh to prima facie hold him responsible of any offence under the Unlawful Activities (Prevention) Act or the Indian penal Code. Therefore, the trial Court granted bail to the non applicant-Jagesh.

The learned counsel for non applicant then pointed out that the non applicant, after his release on bail, has been attending the court from his ordinary place of residence, which is located at a distance of 250 km. away from Gondia and, there is no allegation of misuse of his liberty on his part nor any default on his part in attending the Court. There is no allegation of the non applicant having committing any offence relating to the naxal activities while on bail. Mr.Gadling, learned counsel for the non applicant, therefore, submits that in the absence of any subsequent event disqualifying the non applicant from continuing on bail, there is no reason why the liberty granted to him shall be curtailed.

Upon perusal of the papers and upon perusal of the impugned order, I am satisfied that there is no material even remotely to hold that there is a prima

facie case against the non applicant, which is the *sine quo non* for refusal of bail or bar under Section 43D (5) of the Unlawful Activities (Prevention) Act. All the more so, the applicant is stated to be attending the Court regularly and is living at his ordinary place of residence.

In that view of the matter, I do not find any merit in this application. Hence, following order is passed.

**ORDER**

- (i) Criminal Application No.92/2014 is rejected.
- (ii) Non applicant shall not leave the place of his ordinary residence, except for attending the Court, till the trial is completed.

**JUDGE**