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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2 OF 2015**

Kunal Ganesh Padmakar	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

Mr. S.K. Halwasia i/by M/s. Halwasia & Co. for the Applicant.
Mrs.M.H. Mhatre, APP for the Respondent No.1.
Mr. Rajesh Khobragade a/w Ms. Sapna Khobragade, Mr. Pushkar Verma
and Ms. Gayatri Nayak i/by Mr. Sandeep D. Sherkhane for the
Respondent 2.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 22nd AUGUST, 2016

PC.

. Heard the learned counsel appearing for the Applicant, the
learned counsel appearing for the second Respondent and the learned
APP for the first Respondent. Prima facie, it appears to us that the
impugned order dated 17th December, 2014 by which bail granted to the
Applicant is cancelled is completely illegal. There is no finding
recorded by the Sessions Judge that the Applicant committed any
breach of condition of bail or that he has misused the liberty granted
under the order of bail.

2 Hence, we issue Rule. The Respondents waives service. Ad-

interim relief granted on 2nd January, 2015 will continue to operate as interim relief.

3 After this order was passed, the learned counsel appearing for the second Respondent states on instructions that the impugned order may be set aside. However, it may be clarified that this order will not come in the way of filing a fresh application for cancellation of bail on the grounds other than the grounds which were urged while passing the impugned order. The said request is reasonable. Accordingly, we pass the following order :-

ORDER

- (i) The impugned order dated 17th December, 2014 is quashed and set aside and the application being Miscellaneous Application Exhibit-5 in Sessions Case No.744 of 2014 stands rejected;

- (ii) This order will not preclude filing of a fresh application for cancellation of bail granted to the Applicant. We however, make it clear that such application cannot be filed on the grounds which were taken in application at Exhibit 5. We also make it clear that we have made no adjudication on the question whether any ground is

available for cancellation of bail. All contentions in that
behalf are kept open;

(iii) Rule is made partly absolute on above terms.

(A.A. SAYED, J)

(A.S. OKA, J)