

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 17 OF 2016
IN
BAIL APPLICATION NO. 2325 OF 2014

State of Maharashtra	...	Applicant
Vs.		
Silva Marriappa Devendra	...	Respondent

Ms. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **22nd March, 2016.**

P.C.:

This Application is moved for cancellation of bail by the Prosecutor, as the conditions imposed by this Court by an order dated 10th December, 2014 while granting bail that the applicant/accused shall not leave Thane and Mumbai till conclusion of the trial is violated.

2. The learned counsel for the respondent/accused is absent.
3. Perused the Application. The Investigating officer and the State seeks cancellation of the bail granted to the accused on the ground that CDR and SDR report of cell phone no. 9930406777 showed the location of the accused outside the jurisdiction of Thane and Mumbai and the trial is not concluded.

4. Read the Application for cancellation of bail. Perused the CDR and SDR report of the cell phone. The location of the cell phone is shown of Tamilnadu. However, the location of cell phone cannot necessarily be said that the accused has left the jurisdiction of Thane and Mumbai and it cannot be said that cell phone is inseparable from the accused. The possibility of use of the cell phone by other family members cannot be overruled. It is not the case of the prosecution that the accused has failed to appear on the Court dates before the Sessions court. Under the circumstances, Application is rejected. However, the accused is warned not to violate the terms and conditions imposed by the Court.

(MRIDULA BHATKAR, J.)