

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1409 OF 2016

Nilesh Mangaldas Prajapati. ... Petitioner.
Versus
The State of Maharashtra & anr. ... Respondents.

Mr. Prashant Jadhav, advocate for petitioner.

Mrs. A.A. Mane, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 14, 2016

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned Counsel for the respondent. Perused the papers.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The Petitioner herein is an accused in Crime No. 6 of 2015. The Petitioner herein has been prosecuted for the offence punishable

under Section 409, 419, 420, 465, 467, 468, 471, 120B of the Indian Penal Code. It appears that the investigation is completed and charge-sheet is filed on 12th May, 2015 before the Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai. The accused No. 1 applied for bail by filing Bail Application No. 168/BA/2015. By an order dated 30/7/2015, the application for bail was allowed on imposing certain conditions. The Condition Nos. 3 and 4 are as follows :

“3. The accused shall deposit the amount of Rs. 5,00,000/- per month for next 8 months and thereafter amount of Rs. 2.36 Lakhs in the 9th month starting from 10/08/2015 and shall continue to deposit each installment on 10th of each month for next 9 months after 10/08/2015.

4. In all, the applicant/accused should pay the amount of Rs. 42.36 lakhs within the period of 9 months with the investigating officer as per the installation as mentioned above and in case of any default made by the applicant/accused in depositing the said amount as mentioned above, the conditional bail granted to the accused shall be automatically stand cancelled.”

4 It appears that the present petitioner has not complied with the conditions imposed upon him by the trial court while granting bail. An application was filed for modification of the order. The said application was pending and was scheduled to be heard on 21/6/2016.

5 In the meanwhile, the Petitioner had not complied with the conditions. Since the accused did not remain present on 6/10/2015, the learned Magistrate had issued non-bailable warrant. On 17th March, 2016, an application was filed for cancellation of warrant. No reasons were assigned for remaining absent. It is not clear as to whether the application was filed on behalf of the applicant in person or the advocate representing the accused. On 30th March, 2016, the learned Magistrate had observed that the conditions imposed upon the accused are not fulfilled and therefore, the application seeking cancellation of non-bailable warrant was rejected.

6 It is clear from the orders passed by the Court that the accused was not cooperating and has not complied with the conditions imposed upon him. It is not clear as to whether the accused was present before the court and had prayed for cancellation of the order issuing non-bailable warrant or had requested the Magistrate to recall the said order.

7 In view of this, no interference is called for. The Writ Petition stands dismissed as being sans merits. It is made clear that the respondent is at liberty to execute and implement the order dated 6/10/2015. The Writ Petition is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)