

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2411 OF 2016

Ankush Baban Wade @ Nitin Sud @
Sandesh Shinde @ Ankush Waghmare.. Applicant
vs.
State of Maharashtra & Anr. .. Respondents

Mr.P.G.Sarda, Advocate for the applicant.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 26th August, 2016.

P.C.

1. Leave to add/amend.
2. Heard. This is an application under Section 439 of Cr.P.C. On 20.7.2016, this Court had considered the facts of the case wherein the applicant was granted bail by an order dated 23.12.2015 and was directed to report to the Economic Offences Wing (EOW) on every Tuesday between 9 a.m. to 11.00 a.m. till the completion of the trial. It appears that there was some miscommunication and the applicant herein had caused his appearance before Vimantol Police Station where the offence was initially registered and then transferred to the EOW.

3. The State has filed an application seeking cancellation of bail on the ground that there has been breach of conditions imposed upon the applicant while granting bail and that he had not co-operated with the investigation. The said application was allowed by an order dated 17.5.2016 and the applicant was taken into custody on 17.5.2016. In fact, it was futile to stay the operation of the order dated 17.5.2016 on 20.7.2016. However, taking into consideration the fact that the applicant was granted bail on merits, and the said order was recalled under Section 439 sub-clause (2) of Cr.P.C., this Court is inclined to allow the application on imposing certain conditions.

ORDER

- (i) The Writ Petition is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (iii) The applicant shall report to the office of the Economic Offences Wing on six consecutive Saturdays commencing from 3.9.2016 between 9.00 a.m. to 11.00 a.m. and co-operate with the investigation to the best of his capacity.

4. It is made clear that the application has not been heard on merits and the impugned order under Section 439(2) of Cr.P.C. has been quashed and set aside.

The Writ Petition stands disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)