

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.3480 OF 2016
WITH
WRIT PETITION NO.3481 OF 2016
WITH
WRIT PETITION NO.3482 OF 2016
WITH
WRIT PETITION NO.3483 OF 2016
WITH
WRIT PETITION NO.3484 OF 2016
WITH
WRIT PETITION NO.3485 OF 2016**

1. Bindu Sanjay Mittal .Petitioners
2. Sanjay Parmeshwar Mittal
3. Bats Apparels Pvt. Ltd.

Vs.

1. H.K.Traders .Respondents
2. State of Maharashtra

Mr.Ajay Panicker i/b. Ajay Law Associates,
Advocate, for the Petitioners

Mr.D.M.Galani, Advocate, for the Respondent No.1

CORAM : REVATI MOHITE DERE, J.

DATE : 04.10.2016

P.C.

. Heard learned counsel for the
respective parties.

2. By these Petitions, the Petitioners have impugned the orders dated 20.09.2016 & 21.09.2016 passed by the learned Metropolitan Magistrate, 6th Court, (Mazgaon), Sewree, Mumbai.

3. Learned counsel for the Petitioners relies on several Judgments which state that bail cannot be cancelled without giving notice to the accused.

4. Learned counsel for the Respondent No.1 – Complainant states that the prayers sought for by the Petitioners in the Application have been granted by the learned Judge. Learned counsel submits that the Petitioners had never challenged the order by which their bail came to be cancelled.

5. Perused the papers, in particular, the Applications and the impugned orders. A perusal of the prayers sought for in the Applications

filed by the Petitioners shows that the Petitioners had sought re-call of the orders dated 20.09.2016 and 21.09.2016 i.e. only for re-calling the orders by which non-bailable warrants were issued against them and for re-call of the 'no cross' order. There is no prayer in the Application seeking re-call of the order, by which the Petitioners' bail came to be cancelled and bail bonds came to be forfeited. Considering the same, the Petitioners seek liberty to file an appropriate Application for re-call of the order cancelling their bail and forfeiting their bail bonds and furnishing fresh sureties, before the trial Court.

6. Liberty is granted. If an Application is filed by the Petitioners seeking re-call of the order by which the Petitioners' bail was cancelled, bail bonds forfeited and directions were given to furnish fresh sureties, the learned Judge shall decide the same on its own

merits, in accordance with law. It is made clear, that this Court has not considered the said Applications on merits.

7. Accordingly, the Writ Petitions are disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)