

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPLN) NO.8/2016

The State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur
..Versus..
Dhananjay Bhaurao Surkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 3.5.2016

The non-applicant is produced in custody.

Heard Shri N.S. Khubalkar, A.P.P. for the applicant/State of
Maharashtra and Shri S.S. Sitani, advocate for the non-applicant.

The State of Maharashtra has filed this application under
Section 439(2) of the Criminal Procedure Code praying that the
order passed by this Court on 15th April, 2013 granting bail to the
non-applicant be recalled and the bail granted to the non-applicant
be cancelled.

The cancellation of bail is sought on the ground that the
crime relates to the scam in the matter of cheating banks by
misappropriating huge amount taken as loan for purchasing four
wheelers. It is the case of the prosecution that the investigation is
still in progress and the non-applicant has avoided to co-operate
with the Investigating Agency.

Notice of this application was issued by the order dated 7th
March, 2016. In spite of efforts made on behalf of the applicant, the
notice could not be served on the non-applicant. An order came to

be passed on 2nd April, 2016 directing issuance of non-bailable warrant to secure the presence of the non-applicant before this Court on 16th April, 2016. It was directed that the contents of the order passed by this Court on 2nd April, 2016 should be informed to the non-applicant by text message on his cell phone the number of which was available with the Investigating Agency. The applicant was permitted to execute the non-bailable warrant after taking this action.

The learned A.P.P. has submitted that the text message was sent to the non-applicant on 4th April, 2016, 5th April, 2016 and 6th April, 2016, however, there was no response from the non-applicant. The learned advocate for the non-applicant accepted that the non-applicant received the text message on 6th April, 2016. There is no explanation from the non-applicant why he has not attended the police station or has not put in appearance in the proceedings before this Court after receiving the text message.

The contentions of the applicant that the non-applicant has not been co-operating with the Investigating Agency are fortified by the facts on the record. The scam of taking loan for four wheelers and not purchasing the vehicles and submitting fake and forged documents to the banks has attained huge proportion. The other matters are also pending before this Court.

Considering the fact that the non-applicant had not been co-operating with the Investigating Agency and has not abided by the condition imposed by this Court while granting bail, the order passed by this Court on 15th April, 2013 is recalled and the bail granted to the non-applicant is cancelled. The application is **allowed**.

List this application for reference along with Criminal Application (ABA) nos.164/2016, 230/2016, 231/2016 and 297/2016 on **4th May, 2016**.

As the non-applicant is brought in custody in execution of the non-bailable warrant and as the bail granted by this Court by the order dated 15th April, 2013 is cancelled, no further orders are required.

The non-applicant shall be produced before the Sessions Court, Nagpur on 10th May, 2016 for seeking further orders according to law.

JUDGE

Tambaskar.