

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

CRIMINAL APPLICATION NO. 319 OF 2017

Raikumar Dhundappa Yadagond ... Applicant

V/s.

The State of Maharashtra &amp; Anr. ... Respondents

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Ms. H Patel i/b Hulyalkar & Associates for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.**

**DATE : 20<sup>th</sup> SEPTEMBER, 2017**

P.C.:

. This is an application for cancellation of bail granted to the Respondent No.2 by order dated 02.05.2017 passed by the Ad-Hoc District Judge-1 and Additional Sessions Judge, Sangli in Criminal Bail Application No. 361 of 2017 releasing the Respondent No.2 on bail.

2      Learned Counsel for the Applicant submitted that after release of Respondent No.2 on bail by the said order, Respondent No.2 violated the condition imposed upon him and as per her instructions, Respondent No.2 is absconding. Thus, the present application is filed on the ground that Respondent No.2 has committed breach of conditions imposed upon him.

3 It appears that without availing the remedy of filing an application for  
cancellation of bail before the Trial Court under Section 439(2), the Applicant

has filed the present application under section 482 of Cr.P.C. In view thereof, the Applicant is at liberty to file application for cancellation of bail before the same Court under Section 439(2) of the Cr.P.C. at the first instance.

4 In view of the above, application is disposed of by reserving the aforesaid remedy to the Applicant.

5 Disposed of in the aforesaid terms.

**(A.S.GADKARI, J.)**