

Anand

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

CRIMINAL APPLICATION NO.860 OF 2015

(For Cancellation Of Anticipatory Bail)

IN

ANTICIPATORY BAIL APPLICATION NO.558 OF 2015

The State of Maharashtra

.Applicant

Vs.

Arun Nandurkar alias
Arun Sidram Nandurkar

.Respondent

Mr.S.H.Yadav, APP, for the Applicant – State
Mr.V.V.Purwant, Advocate, for the Respondent

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant – State of Maharashtra, seeks cancellation of the Anticipatory Bail granted by this Court (Coram : A.R.Joshi,J.) to the Respondent, vide order dated 07.05.2015 passed in ABA No.558 of 2015.

3. Learned APP submits that the Respondent has not complied with the direction of attendance given by this Court whilst granting bail

i. e. the Respondent has not attended the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon as directed for a period of six months.

4. Learned counsel for the Respondent opposes the Application. He submits that the Respondent was attending the concerned police station as directed, however, in the meantime, another C.R.No.182 of 2015 was registered with the Sadar Bazar Police Station, as against the Respondent, alleging offences punishable under Sections 464, 465, 467, 468, 471, 40 r/w 34 of the Indian Penal Code. He submits that in view of the said C.R., the Respondent was unable to attend the concerned police station, from 10.05.2015 to December, 2015. He submits that however, the Respondent has attended the concerned police station from 10.01.2016 to 23.10.2016. He has filed an Affidavit of the Respondent. He has also annexed the entries showing his attendance to the concerned police station.

5. Perused the papers. This Court (Coram : A.R.Joshi, J.) vide order dated 07.05.2015 was pleased to grant pre-arrest bail to the Respondent, in connection with C.R.No.40 of 2015 registered with the Sadar Bazar Police Station, Solapur. This Court whilst granting bail,

directed the Respondent to attend the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon, for a period of six months from the date of the order. It appears that another C.R. was registered against the Respondent i.e. C.R.No.182 of 2015 with the very same police station, alleging offences punishable under Sections 464, 465, 467, 468 & 471 of the Indian Penal Code. The Respondent had filed an Application seeking pre-arrest bail, however, his Application was rejected by this Court on 06.10.2015, pursuant to which he surrendered on 30.11.2015. The Respondent was, thereafter, enlarged on bail only on 14.12.2015. Thereafter, the Respondent attended the concerned police station from 20.12.2015 to 23.10.2016. There are entries to show that the Respondent No.1 had attended the concerned police station. Needless to state, that it was because of another case, i. e. C.R.No.182 of 2015 registered with the very same police station, the Respondent could not report as directed by this Court. It appears that after the Respondent was released on bail in December, 2015, he has attended the concerned police station for about six months. Vide Order dated 07.05.2015, this Court (Coram : A.R.Joshi, J.) had directed the Respondent to attend the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon for a period of six months from the date of the order. In the facts, there is no deliberate non-attendance on

the part of the Respondent.

6. Considering the same, no ground is made out for cancellation of the Anticipatory Bail granted to the Respondent. Considering the fact, that the Respondent has attended the concerned police station for more than six months, the Respondent is now, not required to attend the concerned police station. Hence, the Application is dismissed.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)