

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

**CRIMINAL APPLICATION (ABA) NO.638 OF 2017**

**GANESH S/O. SHESHRAO BHARAD**

**..vs..**

**STATE OF MAHARASHTRA THR. D.G.P. MEHKAR FOR P.S.O. MEHKAR DIST.**  
**BULDHANA**

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

Court's or Judge's Order

.....  
Shri R.G. Kavimandan, Counsel for the applicant.  
Shri J.Y. Ghurde, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : SEPTEMBER 18, 2017.**

1. Without going into merits or demerits of this matter, the present application is required to be rejected for non-observance of the conditions imposed by this Court upon the applicant while granting *ad interim* anticipatory bail in his favour.

2. As per order passed by this Court on 8.9.2017, the applicant was directed to attend the Police Station Mehkar, District Buldhana on 12.9.2017 and 13.9.2017 and was directed to remain with the investigating officer from 3:00 p.m. to 5:00 p.m..

3. According to the reply filed on behalf of the prosecution, the applicant has failed to attend the police station.

4. Today, two affidavits are filed on behalf of the applicant. One affidavit is in Marathi and another is in English

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by which it is pointed out to this Court on said affidavits that he had been to the office of the Sub Divisional Police Officer and handed over the packet of Hamdast.

This particular fact is denied by Rameshwar Venjane, Sub Divisional Police Officer, Mehkar, Police Station Mehkar by tendering his affidavit dated 15.9.2017 today.

5. Here, it is to be mentioned that one of the co-accused was also granted *ad interim* anticipatory bail by name Mohit Rameshrao Deshmukh. He was also asked by this Court to attend the police station and accordingly he attended the police station. When his case was listed for confirmation, it was stated on behalf of the investigating officer that as per the directions of this Court, Mohit has attended the police station.

6. There is no occasion for the police officer for making any incorrect statement.

7. The applicant, who has obtained *ad interim* order from this Court on a condition that he will attend the police station, it was his duty to attend the police station. Further, if the attendance was not given to the applicant, as stated in the affidavit, it was the duty of the applicant to point out the said fact immediately to this Court and not at the time of final hearing of the application. That shows that the applicant has not followed the conditions and for that reason alone the application is rejected.

8. Interim order granted by this Court stands vacated.

**JUDGE**

**!! BRW !!**