

(1)

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

CRIMINAL APPLICATION NO.86 OF 2015

State of Maharashtra,
Through the Police Station Officer,
Police Station, Yashodhara Nagar,
Nagpur. ..APPLICANT

VERSUS

Nanhe @ Niyajuddin Jalaluddin
Siddique, aged about 50 years,
Occ: Labour, R/o. Hamid Nagar,
Plot No.172, P.S. Yashodhara
Nagar, Nagpur. ..RESPONDENT

Mr S.A. Ashirgade, Addl. Public Prosecutor for
applicant

CORAM : N.W. SAMBRE, J.

DATE : 17th MARCH, 2017

ORAL ORDER :

In Crime No. 251 of 2014 registered with
Yashodharanagar Police Station, District Nagpur,
for the offence punishable under Sections 143, 147,
148, 149, 302 of the Indian Penal Code, this Court
in Misc. Application No. 844 of 2014 granted
regular bail on following conditions :

(i) The applicant shall not tamper with the

(2)

evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

(ii) The applicant to give his residential address of Gondia Town to the Police Station authorities of Yashodhara Nagar, Nagpur.

(iii) The applicant to file an undertaking in the Police Station, Yashodhara Nagar, Nagpur that he will not enter Nagpur City till the trial commences.

In case of breach of these conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

2. Cancellation of bail is sought on the following grounds.

Vide condition No. (ii) of the bail, it was directed to respondent-accused to furnish his residential address of Gondia Town to the Police Station authorities of Yashodhara Nagar, Nagpur.

(3)

The other ground for seeking cancellation is, accused is involved in another crime being Crime No.3202 of 2015 for the offence punishable under Section 4/25 of the Indian Arms Act and under Section 135 of Maharashtra Police Act. It is submitted that vide condition for release, it was directed that respondent-accused shall not enter to Nagpur city and flouted the order.

3. The respondent-accused though served, none appears.

4. The contentions canvassed supra, which are part and parcel of the application are not controverted by the accused and there is sufficient documentary evidence so as to substantiate the claim about registration of another crime so as to infer flouting of conditions of bail, in my opinion, the bail granted to the respondent-accused needs to be cancelled. The bail granted in favour of the respondent-accused in Crime No. 251 of 2014 registered with Yashodharanagar Police Station, District Nagpur, for the offence punishable under

(4)

Sections 143, 147, 148, 149, 302 of the Indian Penal Code stands cancelled for jumping bail conditions. It is directed that the accused shall surrender to his bail bonds forthwith.

5. Criminal Application stands disposed of.

(N.W. SAMBRE, J.)

Tupe