

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

CRIMINAL APPLICATION (APPLN) NO.71/2017

The State of Maharashtra, thr. PSO PS Gittikhadan, Nagpur

..vs..

Ajay Baiju Bhende

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

Court's or Judge's Order

Shri S.M. Ghodeswar, Addl.P.P. for the applicant/State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 18, 2017.

1. Heard learned Additional Public Prosecutor Shri S.M. Ghodeswar for the applicant/State.

2. Learned Ad hoc Additional Sessions Judge-2 at Nagpur on 26.9.2017 granted anticipatory bail in favour of the non-applicant in connection with Crime No.553 of 2017 for the offences punishable under Sections 406, 420, 465, 467, 468, 471, and 120B read with Section 34 of the Indian Penal Code.

3. Prior to grant of anticipatory bail, learned Judge of the Court below on 18.9.2017 granted *ad interim* anticipatory bail on certain conditions. Learned Judge of the Court on 26.9.2017 confirmed the *ad interim* anticipatory bail on the same conditions.

4. Learned Additional Public Prosecutor Shri S.M. Ghodeswar for the applicant/State submits that though the

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investigating officer has repeatedly called the non-applicant for the purposes of further investigation, the non-applicant has not attended the investigating officer. Thus, according to him, the non-applicant has flouted the conditions and, therefore, he prays for cancellation of bail.

5. When the State is moving the application for non-observance of the conditions imposed upon the Court below while granting anticipatory bail, in view of the law laid down by this Court in the case of State of Maharashtra ..vs.. Sanjay Moreswar Damle and ors, reported at 1999(3) Mh.L.J. 881 in which it has been ruled that in such cases the prosecuting agency has to file an application before the very same Court.

6. In that view of the matter, the present application is disposed of with a liberty to the applicant/State to file an application for cancellation of bail before the appropriate Court.

7. The criminal application is disposed of accordingly.

JUDGE

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