

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

WRIT PETITION NO. 1433 OF 2005

Prema Tida Padam

..Petitioner

v/s.

State of Maharashtra

..Respondent

Mr. S.P. Kadam for Petitioner.

Mr. Amit Palkar, APP for the State.

CORAM : A.S. Gadkari, J.

DATED : 18th September 2018.

P.C.

1. By the present Petition under Article 227 of the Constitution of India, the Petitioner has challenged the Order dated 28/04/2005 passed by the learned Special Executive Magistrate, Agripada Division, Mumbai in Chapter Case No. 26 of 2004, thereby directing him to furnish P.R. Bond of Rs. 5000/- with two sureties in the sum of Rs. 2,500/- each for a period of 6 months and executing Final Bond by undertaking that he will not breach the public peace in the said locality, during the said period. The said order has been passed under Section 107 of Cr.P.C. The present Petition was admitted on 15.06.2005 and the said Order was stayed by this Court.

2. Due to passage of time the immediate apprehension of police regarding breach of peace does not survive. The period of six months for keeping peace has already come to an end and therefore,

the present Petition deserves to be allowed.

3. The Petition is accordingly allowed in terms of prayer clause (b).

(A.S. Gadkari, J.)