

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 804 OF 2018
IN
CRIMINAL APPEAL NO. 120 OF 2016

The State of Maharashtra.

..Applicant.

V/s.

Bindiya Lasingh Pardeshi.

..Respondent.

Mr. S.S. Pednekar, APP for applicant-State.

Mr. Adwait Bhonde, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : NOVEMBER 28, 2018.

P. C. :

1 Heard the learned APP for applicant State and the learned Counsel for the respondent.

2 This is an application seeking cancellation of bail pending appeal. Vide order dated 15/2/2016 in Criminal Application No. 202 of 2016, the condition was imposed upon the accused/appellant that she shall report to the Special Court(Anti Corruption), Pune once in 6 months on the date assigned by the Special Court. The accused/appellant had lastly attended the Court on 22/2/2017 and thereafter, she had failed to mark her presence. Since the State was granted liberty to file an application seeking cancellation of bail upon failure of the accused/appellant to attend two consecutive dates, the State has filed

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present application seeking cancellation of bail.

3 The accused/appellant is present before the court. The learned Counsel appearing for the accused/appellant i.e. respondent No. 1 in Criminal Application No. 804 of 2018 has submitted that inadvertently she had not marked her presence. In fact, it cannot be said that it is a plausible explanation. However, in the interest of justice, in order to give fair opportunity, she was directed to give an undertaking to this court. Accordingly, the accused/appellant i.e. respondent No. 1 has filed an affidavit/undertaking stating that she would mark her presence before the Special Judge(Anti-corruption), Pune on each and every assigned dates. The respondent No. 1 is hereby directed to mark her presence before the Special Court(Anti-Corruption), Pune once in 3 months on the date assigned by the Special Court for the next 2 years i.e. 2019 and 2020 and thereafter, she would be at liberty to make an application seeking modification to the tune that she would mark her presence once in 6 months during the pendency of the appeal.

4 Upon failure to attend any two consecutive dates, the special court shall file report to the Higher Court and prosecution would be at liberty to file an application seeking cancellation of bail.

5 Affidavit/undertaking is taken on record and marked "X" for the identification.

6 The application is hereby disposed of in the above terms.

[SMT. SADHANA S. JADHAV, J.]