

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

CRIMINAL APPLICATION NO. 796 OF 2018

Chetan Dhanraj Khobare	... Applicant
Vs.	
The State of Maharashtra	... Respondent
...	
Mr. Sanjay Dudhane for the applicant.	
Mr. A.R.Patil, APP for the Respondent-State.	
...	

**CORAM : PRAKASH D. NAIK, J.
DATE : 13th JULY, 2018.**

P.C.

1. This is an application challenging order dated 12th June, 2018 passed by the Additional Sessions Judge, Solapur cancelling anticipatory bail granted to the applicant by order dated 19th January, 2018.
2. The applicant is concerned with CR 740/2014 registered with Faujdari Chawdi Police Station for the offences punishable under Sections 323, 392, 427, 435, 504 & 506 read with 34 of Indian Penal Code.
3. The case of the prosecution is that on 10th December, 2017, the applicant and the other accused had assaulted first informant

and also burnt his motor-cycle.

4. The applicant then preferred an application for anticipatory bail before the Sessions Court which was allowed by order dated 19th January, 2018. While allowing the said application, the Court had imposed condition that the applicant shall attend Foudjari Chawdi Police Station once in a week on every Monday between 11.00 a.m. to 3.00 p.m till the chargesheet is filed. Since, the applicant did not comply the condition, State preferred an application for cancellation of the anticipatory bail on account of non-compliance of conditions imposed by the Sessions Court. It was contended that the applicant has not co-operated with the investigation and due to none attendance the investigation could not be completed and the chargesheet could not be filed. Learned Sessions Judge after hearing both the parties allowed the application for cancellation of bail and the anticipatory bail granted to the applicant by order dated 19th January, 2018 was cancelled. The applicant was directed to surrender.

5. Learned advocate for the applicant submits that on account of non-communication of the conditional order passed by the Sessions Court with his advocate, the order was not complied. There was no deliberate intention to show disrespect to the order

of the Court. It is also submitted that during the pendency of the application for cancellation of anticipatory bail, the applicant had attended the police station on 14th May, 2018 and 21st May, 2018. This fact is mentioned in ground No. (viii) of this application. It is submitted that the applicant is a student and he would attend the police station, if directed by this Court.

6. Learned APP submitted that the impugned order passed on 12th June, 2018 and the applicant has not surrendered as directed by the Sessions Court. It is submitted that the applicant has not complied the order passed by the Sessions Court on 19th January, 2018. He did not co-operate with the investigation. It is thus submitted that the application be rejected.

7. Apparently, the condition of attendance to the police station is not complied by the applicant, except stating that on two occasions he had appeared before the Police Station during the pendency of application for cancellation of bail. However, considering the fact that anticipatory bail was granted to the applicant on the ground that there was an inordinate delay in lodging the first information report and also taking into consideration the fact that applicant is willing to attend the police station, if directed by this Court, the impugned order can be set

aside on certain terms and conditions.

ORDER

- (i) Criminal Application No. 796 of 2018 is allowed.
- (ii) Order dated 12th June, 2018 is set aside.
- (iii) The order granting of anticipatory bail dated 19th January, 2018 stands restored.
- (iv) The applicant is directed to attend Faujdari Chawdi Police Station, Solapur twice a week on every Monday and Friday between 11.00 a.m. to 3.00 p.m till the chargesheet is filed.
- (v) Criminal Application No. 796 of 2018 stands disposed off.

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date: 2018.07.18
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(PRAKASH D. NAIK, J.)