

Anand

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

**BAIL APPLICATION NO. 2349 OF 2018**

Pravin Mohan Hatekar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. L. S. Deshmukh, Advocate, for the Applicant  
Mrs. P. P. Shinde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17.10.2018**

**P.C.**

. The aforesaid Application has been placed before this Court pursuant to the order dated 28.09.2018, as the first Bail Application of the Applicant was allowed by this Court.

2. Heard learned counsel for the parties.

3. The Applicant had filed an Application, being Cri. B. A. No. 271 of 2017 in this Court, seeking his enlargement on bail in connection with C. R. No. 342 of 2016 registered with the Sangola Police Station, Solapur, for the alleged offences punishable under

Sections 364, 302, 201 r/w 34 of the Indian Penal Code. After hearing the learned counsel for the Applicant and the learned APP for the Respondent – State, this Court ( Coram : Revati Mohite Dere, J. ) enlarged the Applicant on bail on certain terms & conditions. The terms & conditions were as under :-

“(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police station on the first Monday of every month between 10:00 a. m. to 11:00 a. m. till the conclusion of the trial;

(iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on every date of hearing;

(vi) The applicant to file undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of his release;

(vii) If there is a breach of any of the

aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.”

4. Pursuant to the order enlarging the Applicant on bail, the Applicant furnished surety as directed by this Court. Learned counsel for the Applicant states that the Applicant not being well versed in English language and as he was not told by his Advocate, did not file an undertaking with regard to Clauses (ii) to (v) within two weeks of his release as directed by Clause (vi) of order dated 03.07.2017. He submits that as the Applicant did not file an undertaking as directed by this Court, learned APP appearing in the Sessions Court in S. C. No. 40 of 2016 filed an Application and sought cancellation of the Applicant's bail. According to the learned counsel for the Applicant, the learned Sessions Judge without giving an opportunity of hearing to the Applicant, cancelled the Applicant's bail vide order dated 12.02.2018 and as such, the Applicant was taken into custody. It appears that the Applicant's bail was cancelled only on the ground that the Applicant had failed to file an undertaking as directed by this Court vide order dated 03.07.2017. He submitted that

thereafter, the Applicant filed an Application for bail, however, the same was rejected by the learned Sessions Judge. On the last date i. e. 10.10.2018, learned counsel for the Applicant was directed to furnish an Affidavit-cum-undertaking of the Applicant stating that he will abide by the conditions that may be imposed by this Court, in the event, he was enlarged on bail. Having regard to the Affidavit-cum-undertaking filed by the Applicant today, and the explanation given by the Applicant for non-filing of the undertaking, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

**ORDER**

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/-** with one or two sureties in the like amount;
- (ii) The other conditions imposed by this Court vide order dated 03.07.2017 i. e. from Clauses (ii) to (vii) to remain as it is;
- (iii) The Applicant shall, now, file an undertaking in the trial Court within two weeks of his release stating therein that he will comply with Clauses (ii) to (v) of the order dated 03.07.2017.

5. The Application is allowed and is accordingly disposed off.

All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**