

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5213 OF 2017

Ashwin Prakash Sanzgiri .. Petitioner
Versus
State of Maharashtra & Anr. .. Respondents

Mr. P.L.Gajbhiye with Mr. Sahil Verma for petitioner
Mrs. A.S.Pai, Addl. P.P. for State
Mr. R.V.Gupta for respondent No.2.

CORAM : R.M.SAVANT &
SARANG V. KOTWAL, JJ.

DATE : 20th March 2018.

P.C.

1] The above petition has been filed by the the petitioner for quashing of M.E.C.R. No.5 of 2017 registered on 26th April 2017 with Khar Police Station, Mumbai for offences punishable under section 405, 406, 409, 420, 120(B) and 34 of Indian Penal Code and Sections 3 and 4 of M.P.I.D Act. It is required to be noted that the petitioner, apprehending arrest in the said case, had filed an application for anticipatory bail being Application No.1937 of 2017 before the Sessions Court, Mumbai. It is further required to be noted that prior thereto on 4th January 2018, the petitioner had

already left India for Canada. However, the said fact was not pointed out to the Sessions Court when it heard the anticipatory bail application on 9th January 2018 and, therefore, whilst allowing the said application for anticipatory bail, the Sessions Court amongst other conditions imposed a condition that the petitioner shall attend Khar police station from 10th January 2018 to 20th January 2018 between 10.00 a.m. and 3.00 p.m. and fully cooperate with the investigation.

2] The Counsel appearing for the petitioner was very well aware of the absence of the petitioner in India on the relevant date. However, he did not point out the same to the Sessions Court, resulting in the court passing an order imposing a condition which the learned Counsel for the petitioner very well knew, could never be complied with by the petitioner.

3] In our view, therefore, this conduct of the petitioner of not informing the sessions court as regards his absence in India militates against his seeking any reliefs in the writ jurisdiction of this Court under Article 226 of the Constitution of India.

4] The petition is accordingly dismissed.

(SARANG V. KOTWAL, J)

(R.M.SAVANT, J.)