

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPLN] No.8 of 2018

State of Maharashtra, through PSO Gittikhadan, Nagpur

vs.

Sumit Rajkumar Thakur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri N.B. Jawade, A.P.P. for the Applicant/State.
Shri C.R. Thakur, Advocate for the Non-Applicant.

CORAM : S.B. SHUKRE, J.
DATE : 7th MARCH, 2018.

Heard.

Perused the reply. It is seen from the documents placed on record that the non-applicant was found within the city limits of Nagpur at 22:15 hours on 10/08/2017. At that time, his personal search was taken and panchnama thereof was drawn. It is further seen that the non-applicant was also found present in the city limits of Nagpur on 15/02/2018 and an offence punishable under Section 188 of the Indian Penal Code has been registered against him.

The presence of the non-applicant within the city limits of Nagpur is in clear breach of one of the conditions imposed by this Court when it granted bail to the non-applicant on 13th April, 2017. This condition requires that the non-applicant would not enter the city of Nagpur except on the dates fixed by the Court in the trial pending against him.

According to the learned Counsel for the non-applicant, 10th & 11th August, 2017 were the two dates fixed for attendance of the non-applicant in the Court at Nagpur. These may be the dates on which the attendance of the non-applicant was required in the Court at Nagpur, but, such attendance would be from 11:00 a.m. to 05:00 p.m. Presently, the non-applicant is residing at Wardha and considering the distance between Wardha and Nagpur, which is of about 75 to 80 kms., and also considering the fact that there are several trains, buses, taxis, cars available for traversing this distance in a time of about one hour to two hours, the non-applicant could have very well gone back to Wardha after 05:00 p.m. or 06:00 p.m. of 10/08/2017 and again returned to Nagpur about one hour or two hours before 11:00 a.m. of 11/08/2017. In any case, there was no reason for the non-applicant to stay within Nagpur at 22:15 p.m. of 10/08/2017. No explanation, except for the one discussed earlier, has been given by the non-applicant for his such presence in Nagpur in the night of 10/08/2017.

Then, there is another date, which is the date of 15/02/2018, on which this non-applicant has been found present in the Nagpur along with his girl friend. For his such presence in the city limits of Nagpur, even an offence

punishable under Section 188 of the Indian Penal Code has been registered against him. For his such presence, *prima facie*, no explanation is forthcoming from the non-applicant. The non-applicant never sought any permission from this Court to get relaxed the condition in question for his presence at Nagpur on 15/02/2018.

In view of the above, I find that the non-applicant has committed breach of condition in question, which would lead me to further infer that the conduct of the non-applicant does not deserve him the liberty of being at large granted by this Court any more. In this situation, the application deserves to be allowed and it is allowed accordingly.

The bail granted to the non-applicant by this Court on 13/03/2017 is cancelled. The non-applicant shall surrender himself before the concerned Police Station or the concerned Court immediately and thereafter he shall be remanded to the judicial custody in accordance with law.

The application is disposed of accordingly.

JUDGE

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