

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

CRIMINAL APPLICATION (APL) NO.482 OF 2018

(Kishor s/o Sudhakar Wankhade ..vs.. State of Maharashtra, through PSO, PS Old City, Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Ankita Sarkar, Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 04-07-2018

The criminal application assails order dated 18-5-2018 rendered by the learned Special Judge (MCOCA), Amravati in Crime 384/2017, by and under which the bail granted to the applicant is cancelled on the ground that subsequent to grant of bail the applicant is charged under the provisions of the MCOC Act.

2. This Court by order dated 22-5-2018 stayed the effect and operation of the order impugned, with the result that the applicant is not in custody.

3. The learned Additional Public Prosecutor Shri N.B. Jawade states that in so far as the applicant is concerned, the competent authority has not granted sanction which is statutorily required under the provisions of the MCOC Act. In view of the subsequent development, the order becomes unsustainable and must be set aside.

4. The order impugned is set aside in so far as the applicant is concerned since the competent authority has not sanctioned the prosecution of the applicant under MCOC.

5. The application is allowed accordingly.

JUDGE

adgokar