

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

Criminal Application [APPLN] No.62 of 2017

The State of Maharashtra, through P.S.O. (City), Yavatmal
vs.

Anand @ Banti s/o Dwarkaprasad Jaiswal

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

Court's or Judge's Orders

Shri V.P. Gangane, A.P.P. for the Applicant/State.
Shri A.S. Manohar, Advocate for the Non-Applicant.

CORAM : S.B. SHUKRE, J.
DATE : 5th APRIL, 2018.

Heard.

On going through the order passed by this Court on 5th December, 2017, it appears that this Court was not convinced by the argument of the State that as the applicant had been seen in Yavatmal city on 09/10/2017 and 08/09/2017 in breach of condition no.2 of order dated 10/02/2017, it was required to be seen as something seriously jeopardizing the interest of the prosecution and justice. This Court, therefore, kept the matter pending for further consideration and directed it to be put up on 16th January, 2018. It appears that thereafter this application was not listed on board for hearing. The reasons, however, are not known. Now this Court is called upon to decide the fate of the application.

Having considered the view of the Court expressed in the order dated 05/12/2017, I find that this application cannot be allowed unless it is shown by the prosecution that after 5th December, 2017, there were fresh instances of committing breach of any of the conditions of the bail order dated 10/02/2017. However, no such fresh instances have been reported or known to the prosecution. The learned A.P.P. for the State submits that as per his instructions, no fresh breaches have been informed to him. If this is so, I do not think that this application can be allowed.

The applications stands rejected.

JUDGE

**sandesh*