

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

CRIMINAL APPLICATION NO. 449 OF 2019

Ashabai Audumbar Tambe

...Applicant

Versus

The State of Maharashtra
(Through Sadar Bazar Police Station)

...Respondent.

.....
Mr.Priyal G. Sarda for the Applicant.
Mr.A.R.Patil, APP for the Respondent-State.

.....

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 18 APRIL 2019**

P.C.:

1. This Criminal Application is filed under section 482 of the Code of Criminal Procedure.
2. In this Application, the order dated 6th December, 2018 passed by the learned Additional Sessions Judge-4, Solapur, allowing the application filed by the prosecution for cancellation of the anticipatory bail in C.R. No. 122 of 2017, is challenged.

3. The facts and the orders passed in anticipatory bail application are required to be mentioned.

4. The applicant/accused is prosecuted for the offence punishable under section 420 of the Indian Penal Code and the six cases are registered against her. In C.R. Nos. 122 of 2017, 125 of 2017 and 127 of 2017, the orders of granting anticipatory bail were passed on 21st July, 2018, 10th August, 2018 and 18th August, 2018 respectively. By the said orders, the Court had imposed conditions on the applicant/accused that she shall attend the police station on every second and fourth Monday and furnish the details of her mobile number, LPG gas connection number, the name and address of the dealer before releasing on bail to the concerned police station and the trial Court separately. However, before compliance of these conditions, the applicant/accused was arrested on 21st August, 2018 in remaining three criminal cases i.e., C.R.Nos. 129 of 2017, 131 of 2017 and 132 of 2017. Thereafter, the prosecution had moved an application for cancellation of her anticipatory bail in C.R. No. 122 of 2017. The learned Sessions Judge after hearing the prosecution and giving an opportunity to the accused to make submissions: however, which was not

availed of, cancelled the anticipatory bail on 6th December, 2018 in C.R. No. 122 of 2017. It is a case of the applicant/accused that in all three cases where she was taken in custody, granted bail on 14th February, 2019. Thereafter, availing the bail, she came out of jail on 2nd March, 2019.

5. The learned Counsel for the applicant/accused submits that the applicant/accused wanted to comply with the terms and conditions mentioned in the order of anticipatory bail. However, within three days after getting the anticipatory bail, the applicant/accused was arrested by the police and remained inside from 21st August, 2018 till 14th February, 2019. Hence, the order of cancellation of anticipatory bail be quashed and set aside.

6. The learned APP while opposing this application, has submitted that there are three cases pending against the applicant/accused.

7. Considered submissions. It appears that it was physically impossible for the applicant/accused to attend the police station on every second and fourth Monday, as she was confined in prison. Therefore, the order dated 6th December, 2018 passed by the learned Additional Sessions Judge-4,

Solapur of cancellation of anticipatory bail is hereby quashed and set aside. The applicant/accused shall comply with the conditions imposed by the trial Court while granting anticipatory bail on or before 2nd May, 2019.

8. Criminal Application is allowed and accordingly disposed of.

(MRIDULA BHATKAR, J.)