

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 219 OF 2019
IN
CRIMINAL APPEAL NO. 430 OF 2016

Timesh Hanumanta Malamal.

..Applicant.

V/s.

The State of Maharashtra & anr.

..Respondents.

Mr. Yogesh T. Bamne a/w. Mr. Prashant Thombare, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 21, 2019.

P. C. :

1 The applicant is appellant in Criminal Appeal No. 430 of 2016. The application filed by the applicant under section 389 of the Code of Criminal Procedure, 1973 was allowed by an order dated 29/6/2016. This Court had imposed conditions as follows :

“(b) After his release from Jail, the applicant shall attend the Trial Court once in six months on every first Monday of the said month between 11.00 a.m. to 1.00 p.m.

(c) In case of any two consecutive defaults in attending the Trial Court by the applicant the prosecution will be entitled for seeking cancellation of bail granted by this Court.”

Needless to say that the said order was flouted by the applicant. The Sessions Court was constrained to issue non-bailable warrant against the applicant. The said non-bailable warrant was executed on 26/12/2018

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and hence, the applicant is in custody.

2 There is no doubt that there has been breach of condition imposed by this Court. It would not be appropriate to grant bail in the above mentioned circumstances as on today. The applicant is granted liberty to renew his prayer for bail in the 1st week of June, 2019. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]