

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 249 OF 2019**

Shri Nitin Ambavkar. ..Appellant.

V/s.

The State of Maharashtra & ors. ..Respondents.

Mr. Aditya Sharma I/b. Ms. Sudha Dwivedi, advocate for appellant.

Mr. S.R. Agarkar, APP for State.

Mr. Vijay P. Kulkarni, A.C.P., D.N. Nagar, Div. Mumbai.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 25, 2019.

P. C. :

1 Heard the learned Counsel for the appellant and the learned APP for State.

2 This is an appeal under section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 seeking cancellation of the bail granted in favour of the respondent No. 2 vide order dated 22/1/2019, thereby releasing him on bail. The respondent was arrested on the basis of the report filed on 12/11/2018 in respect of an incident dated 12/9/2018. The respondent was arrested on 20/1/2019 and was released on bail under section 439 of the Code of Criminal Procedure, 1973 vide order dated 22/1/2019. The respondent happens to be a camera man in film industry.

Talwalkar

3 The only grievance of the appellant/original complainant is that the complainant was not made a party to the criminal bail application No. 1 of 2019 in violation of section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and hence, the bail which is granted without hearing the complainant deserves to be cancelled.

4 The learned APP upon instructions has submitted that the investigation is completed and charge-sheet is filed. It is true that the complainant was not made a party to the bail application. However, it does not contemplate cancellation of bail under section 439(2) of the Code of Criminal Procedure, 1973 as there was no allegation that the respondent has committed breach of any condition imposed upon him while granting bail to him.

5 In view of this, the above appeal filed under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, being sans merits stands rejected.

[SMT. SADHANA S. JADHAV, J.]