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

CRIMINAL APPLICATION No. 720 OF 2015
IN
BAIL APPLICATION No. 2673 OF 2014

The State of Maharashtra	...Applicant
Vs.	
Rahul Dilip Kunjir	...Respondent

Mr.S.S. Pednekar -APP for the State /Applicant	
Mr. Kuldeep S. Patil i/b. Prashant M. Patil for Respondent	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JANUARY 22, 2019

P.C.:

1. Heard. This is an application under Section 439 (2) of Cr.P.C. seeking cancellation of bail. The Respondent herein was granted bail by this Court vide order dated 19th January, 2015 in Crime No. 161 of 2013 registered at Loni Kalbhor Police Station for the offences punishable under section 302, 341, 323, 504, 506 of the Indian Penal Code.
2. This Court, while granting bail, had imposed condition upon the Applicant that he shall report to the concerned police station on first Sunday of every month till conclusion of the trial.
3. It is the contention of the learned APP that the Applicant has not attended the police station till the application was filed under section 439(2) of Cr.P.C.
4. The learned counsel for the Applicant has filed the copy of the roznama of the Sessions Court which shows that the applicant

had attended the scheduled dates before the Court on each and every occasion. The Applicant has also marked his presence before the police station from 15.9.2017.

5. The learned counsel for the Applicant submits that there were some altercations between the officer in-charge and the applicant, due to which, he was hesitant to appear before the police and marked his presence before the Court for every scheduled dates. The learned counsel for the Applicant has tendered a plausible explanation and satisfied the same by placing on record the roznama of the trial court.

6. In view of this, the application filed under section 439(2) of Cr.P.C. deserves to be dismissed. However, it is made clear that the Applicant shall continue to mark his presence before the trial court on every scheduled dates. Upon failure to attend any two consecutive dates, the prosecution would be at liberty to renew their prayer for cancellation of bail in Sessions Case No. 680 of 2014. Criminal application No. 720 of 2015 stands disposed of.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam