

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1342 OF 2019**

Vasu @ Basadev Saddalseth Soni & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Mubin Solkar h/f Mr. Amin Solkar for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 22nd OCTOBER 2019

P.C. :

1 Not on Board. Taken on Board.

2 Heard learned counsel for the applicants.

3 By this application, the applicants have impugned the order dated 17th July 2019, by which the learned Metropolitan Magistrate, 20th Court, Esplanade, Mumbai, was pleased to cancel the applicants' bail. Learned counsel for the applicants submits that the applicants could not remain present on 16th July 2019 before the learned Magistrate, as the applicants had to attend the marriage ceremony in Varanasi, and hence, the applicants' advocate preferred an application seeking their exemption. The said application was

granted, however, since the witnesses were present, with the consent of the parties, the matter was adjourned to 17th July 2019 for recording evidence i.e. on the next day. He further submits that when the Advocate for the applicants filed an application for exemption, as the applicants were in Varanasi and could not come on 17th July 2019 i.e. on the very next date, the learned Metropolitan Magistrate rejected the exemption application and cancelled the applicants' bail and issued non-bailable warrants against the applicants.

4 Learned counsel for the applicants states that the applicants will remain present on the dates given by the trial Court. Statement accepted.

5 Having regard to the peculiar circumstances in which the bail of the applicants was cancelled, the impugned order dated 17th July 2019 by which the applicants' bail was cancelled and non-bailable warrants were issued, is quashed and set-aside.

6 The learned trial Judge to proceed with the case on its own merits. The applicants to remain present on the dates given by the learned trial Judge, unless exempted.

7 Application is accordingly disposed of.

8 All concerned to act on the authenticated copy of this
order.

REVATI MOHITE DERE, J.