

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPLN) NO. 22/2019

Sau. Anita w/o Eknath Janbandhu ..vs.. State of Maharashtra through PSO
P.S. Ramtek, Nagpur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. Wasnik, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 23, 2019

Heard Mr. Wasnik, learned counsel for applicant and Mr. Thakare, learned A.P.P. for non-applicant-State. I have also perused the reply filed on behalf of prosecution.

Present is an application for cancellation of regular bail granted to non-applicant no.2 by learned Ad hoc Additional Sessions Judge, Nagpur dated 11.03.2019 in Miscellaneous Criminal Application No.451/2019, whereby the Court below has granted regular bail in favour of non-applicant no.2, on a condition that applicant-accused shall remain present in the Court on each and every date of hearing, without fail.

From submissions of learned counsel for applicant as well as reply filed on behalf of the State, it is clear that since 27.06.2019, non-applicant no.2 is not attending the Court. Thus, there is a breach of condition.

In that view of the matter, applicant is permitted to withdraw the present application for cancellation of bail and she is permitted to file an application for cancellation of bail before the learned Additional Sessions Judge, Nagpur.

The learned Additional Sessions Judge, Nagpur is directed to decide the said application, as early as possible. While deciding the application for cancellation of bail, it is expected from the learned Court below to note conduct on the part of non applicant no.2 i.e. not remaining present and thereby committing breach of condition and also the fact that non applicant no.2 is missing from the jurisdiction of Imamwada Police Station, Nagpur.

The application is disposed of.

JUDGE