

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPLICATION NO.1886 OF 2020

GAJENDRA ONKAR KANADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ade Ravindra B.
Mr. SW Mundhe, APP for Respondent-State

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CORAM : SMT. VIBHA KANKANWADI, J.
Dated: October 28, 2020

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PER COURT :-

1. The applicant intended to challenge only part of order dated 15.10.2020 by learned Additional Sessions Judge, Dhule in Bail Application No.878/2020. The part, which was challenged, was condition of deposit of cash security of Rs. 3,00,000/- on or before 19.10.2020. Clause 4 of the said order states that if the applicant fails to comply with the order clause 2 on or before 19.10.2020, the application shall be treated as rejected.

2. Learned Advocate for the applicant submits that the present application has been filed under Section 482 of Cr.P.C. But, the applicant has not

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complied with the condition regarding deposit of the cash security.

3. The position as stands today is, the application under Section 438 of Cr.P.C. filed by the applicant, stood rejected in view of non-compliance of the said order before 19.10.2020 in view of clause 4 of the said order. Under such circumstance, in fact, there is nothing which can be challenged under Section 482 of Cr.P.C. by the applicant. When this position was asked, learned Advocate for the applicant prays for withdrawal of the application with liberty to file appropriate proceeding. As regards the liberty is concerned, if there is any right to the applicant then it need not be reiterated by this Court. Therefore, the Criminal Application stands disposed of, as withdrawn.

(SMT. VIBHA KANKANWADI, J.)

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