

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

BAIL APPLICATION NO. 1269 OF 2019

Ramesh Appa Khot ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Niranjan Bhavake, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER, 2021

PER COURT:

1. The applicant has challenged the order dated 16th March, 2019 passed by the learned Additional Sessions Judge, Sangli, cancelling bail granted to the applicant in C.R. No.113 of 2017.

2. The applicant was arrested in C.R. No. 113 of 2017 registered with Kavathe-Mahankal Police Station, Dist. Sangli for offence under Section 302 r/w Section 34 of Indian Penal Code (for short “IPC”). Vide order dated 9th October, 2017, the application for bail was allowed on certain conditions. One of the condition was that the applicant shall attend Kavathe-Mahankal Police Station on

every Tuesday between 1.00 p.m. and 4.00 p.m. till further orders.

3. The state preferred an application for cancellation of bail granted vide order dated 9th October, 2017 on the ground that the applicant has breached condition of reporting the concerned Police Station and pursuant to grant of bail, the applicant is involved in another offence registered with the same Police Station under Sections 307, 120(B) & 212 r/w Section 34 of IPC vide C.R. No.212 of 2018. Bail was cancelled by order dated 16th March, 2019.

4. The applicant had preferred an application for bail in C.R. No. 212 of 2018, which has been allowed by this Court vide order dated 12th July, 2021.

5. Learned Advocate for the applicant submitted that the applicant was arrested in C.R. No. 212 of 2018. He was arrested in 2018. In view of cancellation of bail, applicant was shown arrested in C.R. No. 113 of 2017. The applicant did not attend the concerned Police Station only on two occasions. There is no evidence to show the involvement of the applicant in C.R. No.212 of 2018. The said fact has been considered by this Court while granting bail to him. The applicant has remained in custody for substantial period of time.

6. Learned APP submitted that on account of breach of condition of reporting, the state had preferred an application for cancellation of bail which has been allowed. The applicant was involved in another case for offence under Section 307 of IPC pursuant to bail being granted to him in the case under Section 302 of IPC. He is also involved in the offences registered under the Prevention of Gambling Act.

7. It appears that on few occasions the applicant did not attend concerned Police Station. The applicant is in custody for substantial period of time after bail has been cancelled. The applicant was initially granted bail under Section 302 of IPC on merits. It has been cancelled on the ground that he did not attend the concerned Police Station and he is involved in another case. In the subsequent case, the applicant has been granted bail by this Court. The order of bail was not set aside on merits.

8. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 1269 of 2019 is allowed;
- (ii) The impugned order dated 16th March, 2019 passed by Sessions Court, Sangli cancelling bail is set aside.
- (iii) The applicant is directed to be released on bail in

connection with C.R. No. 113 of 2017 registered Kavathe-Mahankal Police Station, Dist. Sangli on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iv) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(v) The applicant shall furnish the details of his place of residence after he is released on bail to Investigating Officer.

(vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)