

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

CRIMINAL APPLICATION NO.618 OF 2017

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S PARAB

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Anand Bhaskar Upasani

...Applicant

Versus

Mrs. Bhartiben Hasmukh Doshi and
Ors.

...Respondents

....

Mr. K.M. Sangani for the Applicant
Mr. S.V. Gavand, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th NOVEMBER, 2021.

P.C.:-

By this application filed under Section 439(2) of the Code of Criminal Procedure, 1973, the Applicant has sought cancellation of pre-arrest bail granted to Respondent Nos.1 to 3 vide order dated 30/07/2015 passed by the learned Additional Sessions Judge, Greater Mumbai in Anticipatory Bail Application No.1108 of 2015.

2. Pursuant to the FIR lodged by the Applicant, Crime No.MECR No.8 of 2015 was registered at Juhu Police Station against Respondent Nos.1 to 3 for offences punishable under Sections 405, 420, 465, 467, 468, 471, 474, 506 r/w 120 B of the IPC. Apprehending their arrest in the said crime, Respondent Nos.1 to 3 had filed an application for

anticipatory bail being ABA No.1108 of 2015. By order dated 30/07/2015 learned Additional Sessions Judge, Greater Bombay ordered to release them on following terms and conditions :-

“2(i) Applicants shall remain present in Juhu police station on every Monday between 11.00 a.m. to 2.00 p.m. till filing of charge sheet or for further period of three months which ever is earlier.

(ii) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such a facts to the court or to any police officer.

(iii) Applicants shall not leave India without prior permission of the court.”

3. Mr. Dattatray Masvekar, police inspector attached to Juhu Police station has filed his affidavit stating that Respondent Nos.1 to 3 have failed to remain present before Juhu Police Station and thereby breached the condition No.2(i) of the order dated 30/07/2015. It is further stated that these Respondents are not traceable and that their present whereabouts are not known and as a result they could not be arrested and released on bail as directed by the Court.

4. The report indicates that Respondent No1 has expired. The affidavit filed by the police inspector of Juhu Police Station reveals that Respondent Nos.2 and 3 are not traceable. Learned APP also states that steps will be taken to declare them as absconders.

5. Above facts and circumstances clearly indicate that Respondent Nos.2 and 3 have violated the terms and conditions of the order dated 30/07/2015. Hence, this is a fit case for cancellation of bail. Hence, bail granted to Respondent Nos.2 and 3 vide order dated 30/07/2015 in Anticipatory Bail Application No.1108 of 2015 stands cancelled.

6. The application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)