

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

CRIMINAL APPLICATION (APPLN) NO.4 OF 2020

(State of Maharashtra thr. PSO PS Ballarshah, Dist. Chandrapur Vs. Abhijit s/o
Nagesh Madkawar)

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

Court's or Judge's orders.

Mr. M.K. Pathan, APP for Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 10th FEBRUARY, 2021.

The State is seeking cancellation of pre-arrest protection granted by this Court vide order dated 07.08.2019 in Criminal Application (ABA) 419 of 2019.

2. Cancellation of pre-arrest protection is sought since the non-applicant – accused breached the conditions imposed by this Court.

3. Paragraph 5 of the order dated 07.08.2019 reads thus:

5. Accordingly, the application is allowed and the applicant is granted anticipatory bail by confirming the order of interim protection dated 1.7.2019 passed by this Court. Needless to say that the applicant shall continue to cooperate with the investigation and he shall attend the police station as directed, till filing of charge-sheet. It is made clear that if the applicant is found to have indulged in any activities leading to registration of FIR under the Maharashtra

Prohibition Act, 1949, in the future, the bail granted to the applicant shall stand cancelled.

4. In breach of the conditions imposed, the non-applicant – accused allegedly committed similar offence and Crime 910/2019 is registered on 23.11.2019 under Section 65(a) and 65(e) of the Maharashtra Prohibition Act.

5. According to the State, on the basis of the complaint dated 28.11.2019 lodged by Police Constable Manoj Pidurkar, NC is registered against the non-applicant – accused on 28.11.2019. The Police Constable was allegedly threatened by the non-applicant and threat that was given was of dire consequences. The threats were given on telephone and the necessary entries are recorded in the station diary.

6. The non-applicant is duly served. However, there is no appearance.

7. In view of the clear breach of the conditions of pre-arrest protection, the indulgence bestowed shall have to be revoked.

8. The pre-arrest protection/anticipatory granted to the non-applicant vide order dated 07.08.2019 in Criminal Application 419 of 2019 is cancelled.

JUDGE