

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.606 OF 2022**

PREM S/O JITENDRA SHIRSATH  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Mr. C. C. Deshpande, Advocate for petitioner.  
Mr. A. M. Phule, APP for the respondent – State  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 05.07.2022**

**ORDER :-**

. Heard learned Advocate Mr. C. C. Deshpande for the petitioner and learned APP Mr. A. M. Phule for the respondent – State.

2. By invoking the constitutional powers of this Court under Article 227 of the Constitution of India, the petitioner – original accused intends to challenge the order dated 31.03.2022 passed by the learned Additional Sessions Judge, Dhule in Miscellaneous Criminal Application No.74 of 2021, thereby cancelling the bail granted to the petitioner under Section 439 of the Code of Criminal Procedure in connection with Crime No.165 of 2021 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 307, 323 of Indian Penal Code on 07.09.2021.

3. It is not in dispute that the petitioner – original accused was granted regular bail by the learned Additional Sessions Judge, Dhule on 07.09.2021. Thereafter the prosecution has filed Criminal Miscellaneous Application No.74 of 2021 under Section 439(2) of the Code of Criminal Procedure on the ground that the petitioner has breached the terms of the bail. While allowing the Criminal Bail Application No.692 of 2021 of the present petitioner – original accused, condition Nos.3, 4 and 5 were imposed by the learned Additional Sessions Judge, which reads thus :-

*“3. The applicant shall not enter the Dhule City and Dhule Taluka and shall reside elsewhere till the filing of charge-sheet. The applicant shall inform his new address/residence which he intends to take up immediately after being released from the jail. Investigating Officer shall confirm the address given by the applicant.*

*4. The applicant shall report on every Friday to the concerned local Police Station having jurisdiction over the area wherein he will be residing after being enlarged on bail.*

*5. The applicant shall not directly or indirectly make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the*

*Court or any police officer."*

It was then stated by the prosecution that he has not abided by the terms of the bail.

4. The copy of the FIR dated 28.10.2021 vide Crime No.590 of 2021 registered with Dhule City Police Station, Dist. Dhule for the offence punishable under Sections 354, 354-A, 354-B, 323, 504, 506 read with Section 34 of Indian Penal Code have been made available to this Court. It is against the present petitioner and one unknown person. It has been lodged by one Mandakini Mahesh Ban. The said Mandakini is said to be the sister of one Yogesh Gosavi. Yogesh Gosavi is the victim, who was attempted to be murdered by the petitioner and for that purpose Crime No.165 of 2021 was registered with Dhule City Police Station under Section 307, 323 of Indian Penal Code and then he was released on bail on 07.09.2021. That means, after the petitioner was released on bail on 07.09.2021, another offence vide Crime No.590 of 2021 was registered with same Police Station i.e. Dhule City Police Station on the basis of the FIR lodged by Mandakini. While granting the bail earlier, the learned Additional Sessions Judge had put conditions to the applicant that he shall not enter Dhule City and even Dhule Taluka as well as he should reside elsewhere till the filing of charge-sheet, he should report on every Friday to the local Police Station having jurisdiction over the area

wherein he would be residing. Say of the petitioner was called when the prosecution had filed Criminal Miscellaneous Application No.74 of 2021, but he could not produce necessary documents to show that he was residing elsewhere and he had attended the local Police Station. Now, at the time of argument, the photocopy of the certificate issued by Help Recovery and Rehabilitation Home of Aasha Social Foundation, Pune has been given certifying that the petitioner was admitted to their centre for treatment of substance abuse from 19.09.2021 to 10.10.2021. It is of no help taking into consideration the date of the offence in Crime No.590 of 2021. That offence was committed on 28.10.2021. This certificate is not the answer to show that compliance of the conditions to the bail has been made. Taking into consideration the detailed order passed by the learned Additional Sessions Judge, Dhule as to how the terms of bail have been breached by the petitioner, no case is made out for the exercise of constitutional and/or inherent powers of this Court in favour of the petitioner. The writ petition stands dismissed.

**[SMT. VIBHA KANKANWADI, J.]**

scm